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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Western Sahara

Working paper prepared by the Secretariat

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I. Report and good offices of the Secretary-General

1. Pursuant to General Assembly resolution 64/101, the Secretary-General submitted to the Assembly at its sixty-fifth session a report on the question of Western Sahara (A/65/306). The report covered the period from 1 July 2009 to 30 June 2010 and reviewed the activities carried out by the Secretary-General in the exercise of his good offices.

2. Also during the period under review, pursuant to Security Council resolution 1871 (2009), the Secretary-General submitted a report to the Security Council on the situation concerning Western Sahara (S/2010/175).

3. In that resolution, the Security Council, having considered the report of the Secretary-General (S/2009/200), among other things, welcomed the parties' agreement with the Personal Envoy's suggestion to hold small, informal talks in preparation for a fifth round of negotiations and called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring the implementation of the relevant resolutions. The Council decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2010.

4. Pursuant to Security Council resolution 1871 (2009), the Secretary-General submitted a report dated 6 April 2010 to the Council (S/2010/175). In that report, the Secretary-General informed the Council that in March 2009, his Personal Envoy had begun consultations in preparation for a fifth round of negotiations. Following the consultations, the Personal Envoy travelled to the region for a second time, from 22 June to 1 July, to clarify the purpose and structure of the informal meetings and to confirm the readiness of the parties and neighbouring States to attend them. During his trip, the Personal Envoy met with the President of Algeria, the Secretary-General of the Frente Polisario, the Prime Minister and the Minister for Foreign Affairs of Mauritania, and the Minister for Foreign Affairs of Morocco, as well as with members of their respective teams. All interlocutors reaffirmed their commitment to continue working with the United Nations to find a solution. An agreement was reached on a first informal meeting, held in Dürnstein, Austria, on 9 and 10 August. The parties engaged with one another in a respectful manner and in a spirit of extensive give and take, discussing confidence-building measures and human rights issues as a prelude to a later examination of the core issues of their dispute. They concurred that a long-standing agreement in principle to explore the road-building option in the context of an expansion of family visits between Western Sahara and the refugee camps should be implemented, and they agreed to consider in a positive spirit confidence-building measures.

5. In September 2009, in the course of the sixty-fourth session of the General Assembly, the Secretary-General met separately with the President of Algeria and the Minister for Foreign Affairs of Morocco. Both expressed their continued commitment to the negotiating process and their support for the efforts of the Personal Envoy, who proposed that a second informal meeting be held in November or December 2009. However, a series of mutual accusations by both parties began in October, making it increasingly impossible to meet on the proposed dates.

6. By January 2010, the climate had improved and the Personal Envoy was able to hold a second informal meeting in Westchester County, New York, on 10 and

11 February. The spokesperson for the Secretary-General issued a statement on 2 February, stating that the Secretary-General encouraged the parties to make further progress and urged focused and productive discussions. Most of the exchanges that took place at the February meeting concerned human rights and related issues. Both parties complained of violations. Again, the Frente Polisario called for United Nations monitoring, and again Morocco stated its opposition to such a step.

7. Although the exchanges were frank and respectful, at the end of the meeting both parties agreed with the Personal Envoy's summary that neither party had accepted the proposal of the other as the sole basis of future negotiations. According to the Personal Envoy, the fundamental and, to date, non-negotiable difference between the two parties lies in the issue of self-determination. The Frente Polisario, with the support of Algeria, insists on a referendum with multiple options, including independence, while Morocco insists on a negotiated autonomy regime and a referendum of confirmation with one option.

8. As in Dürnstein, observer delegations from Algeria and Mauritania were present at the meeting but did not participate directly in the talks. Algeria reiterated its support for anything to which the parties might agree and undertook to look into the reasons for the delay in opening telephone communication between Western Sahara and the most remote refugee camp, Dakhla, as foreseen in the confidence-building measures agreed earlier.

9. In March 2010, the Personal Envoy made further visits to the region to solicit the parties' ideas on how to move beyond the impasse. Meanwhile, he had kept the Security Council and the Group of Friends fully informed of his activities through written communications and informal and formal briefings, the latest of which had taken place on 18 February.

10. In his report to the General Assembly (A/65/306), the Secretary-General said that from 21 June to 1 July 2010, the Personal Envoy had visited the capitals of three members of the Group of Friends of Western Sahara (London, Paris and Madrid) to consult on the best means to advance the negotiations towards a mutually acceptable settlement and to solicit their concrete advice and renewed support in that regard. On 16 July, he consulted with senior officials in Washington, D.C.

11. As for maintenance of the ceasefire, the Secretary-General informed the Security Council that MINURSO had observed and recorded 24 new violations by the Royal Moroccan Army, an increase compared with the 11 recorded violations during the previous reporting period. MINURSO observed a total of five new violations by the Frente Polisario military force, a slight decrease compared to the seven recorded during the previous reporting period. Those violations were related mainly to the incursion of military elements, including some equipment, into the buffer strip.

12. With regard to humanitarian activities, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) continued to provide 125,000 monthly general feeding rations to Western Saharan refugees, along with school feeding and supplementary feeding for malnourished children under 5 years of age and for pregnant women and nursing mothers. A UNHCR/WFP joint assessment mission carried out in September 2009 noted that considerable progress had been achieved in food distribution and made useful nutritional recommendations for future WFP projects. UNHCR and the European

Commission Humanitarian Office provided funding for the installation of water pipelines in three sectors in Smara camp, benefiting some 34,000 refugees. UNHCR continued to support the education sector through the provision of 53,270 schoolbooks and 180,325 textbooks, and to support humanitarian assistance in other areas. On 8 September 2009, the United Nations High Commissioner for Refugees made a five-day visit to Algeria, Morocco and Western Sahara with a view to assessing the overall condition of the refugees. This was the first time since 1976 that a High Commissioner for Refugees had visited the camps. The visit paved the way for a reorientation of the assistance programme, with special attention to the areas of nutrition, health and education.

13. In his report to the General Assembly (A/65/306), the Secretary-General said that in May and July 2010, UNHCR had held separate meetings in Geneva with representatives of the Frente Polisario and Morocco to evaluate the current programmes and attempt to find a solution to the disagreement that had led to the suspension of the family visit flights, and urged them to agree to the steps necessary to inaugurate family visits by road.

14. With regard to confidence-building measures, UNHCR continued to provide free telephone services for refugees in the camps to contact family members in the Territory. Between April 2009 and March 2010, refugees placed 20,362 calls to relatives in the Territory. Exchanges of family visits continued, thanks to the efforts of UNHCR and MINURSO and generally good cooperation by the parties concerned. During the same period, 37 round-trip family visits were conducted during which 1,137 beneficiaries travelled to the Tindouf camps and 1,188 beneficiaries travelled to cities in the Territory west of the berm. UNHCR continued to take steps, in concert with the parties, to ensure that further visits proceeded as planned. Since the programme began in March 2004, 10,182 people (24 per cent of those registered), mostly women, children and elderly persons, had participated in the family visits. In order to shorten the waiting period for the registered persons, UNHCR was continuing its efforts to implement the road option as an expansion of the family visits.

15. During the period under review, the Secretary-General of the Frente Polisario wrote to the Secretary-General of the United Nations on a number of occasions mainly to express concern about alleged violations of human rights affecting Saharans both in the Territory and within Morocco. The Moroccan authorities and media continued to assert that the Frente Polisario was raising the issue of human rights in an attempt to deviate from the core issues related to the negotiations. On several occasions, the Minister for Foreign Affairs of Morocco also conveyed his concern at the humanitarian situation of Saharans in the Tindouf refugee camps and the responsibility of Algeria and UNHCR in that regard.

16. On mine action, the Secretary-General stressed that the widespread presence of landmines and explosives in the Territory continued to be a cause for serious concern. He informed the Security Council that 15 mine accidents, resulting in 2 fatalities and 23 persons injured, had been reported in 2009. For the period from January to December 2009, Landmine Action cleared 2.9 million square metres of land of cluster munitions and unexploded ordnance.

17. In his observations and recommendations, the Secretary-General welcomed the parties' continuing commitment to the process of negotiations and their willingness to engage in the preparatory informal format. In that connection, he recommended

that the Security Council reiterate its call upon the parties to negotiate in good faith and without any preconditions, under the auspices of his Personal Envoy. He went on to express his concern about the continuing violations of military agreement No. 1 by the parties and encouraged them to establish direct cooperation and communication through a joint military verification mechanism to discuss allegations of violations and other issues of common interest.

18. On the human dimension of the conflict, the Secretary-General urged the parties to confirm their agreement to the expansion of the family visit programme and to accelerate their consultations with UNHCR on its implementation. He recommended that the Security Council formally recognize and increase the role and responsibilities of MINURSO in using its resources to support the confidence-building activities, and urged that appropriate attention be paid to the issues of conducting a census of refugees and implementing a programme of individual interviews.

19. On human rights, he repeated once more his call to each party to remain engaged in continuous and constructive dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to ensuring respect for the human rights of the people of Western Sahara in the Territory and in the refugee camps.

20. On mine action, he noted the decrease in the number of accidents due to landmines and explosive remnants of war in the region, stressing, however, that the higher number of victims highlighted the urgent need to increase coordination and operations. He also noted the increased cooperation in information-sharing with the Royal Moroccan Army and Landmine Action.

21. In view of existing circumstances on the ground and in the light of his Personal Envoy's continuing efforts, the Secretary-General believed that the presence of MINURSO remained indispensable for the maintenance of the ceasefire in Western Sahara, and therefore recommended that the Security Council extend the mandate of MINURSO for a further period of one year, until 30 April 2011.

II. Consideration by the Security Council

22. After consideration of the report of the Secretary-General on the situation concerning Western Sahara (S/2010/175), on 30 April 2010, the Security Council unanimously adopted resolution 1920 (2010), by which it called upon the parties, inter alia, to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations and to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noted the role and responsibilities of the parties in that respect. The Council decided to extend the mandate of MINURSO until 30 April 2011.

III. Consideration by the General Assembly

23. During the general debate at the sixty-fifth session of the General Assembly, a number of representatives referred to the question of Western Sahara in their statements. During the debate on 6 and 7 October 2010, the Special Political and Decolonization Committee (Fourth Committee) heard statements by 62 petitioners on the question of Western Sahara (see A/C.4/65/SR.4 and 5). On 8 and 11 October 2010, 22 Member States addressed, among other things, the issue of Western Sahara. Some of them strongly supported the right of the Saharawi people to self-determination and stressed the importance of expanding the mandate of MINURSO to include a human rights component. Others believed that the autonomy plan by Morocco could provide the best prospect for achieving a mutually acceptable solution to this question (A/C.4/65/SR.6 and 7).

24. At its 7th meeting, on 11 October 2010, the Committee adopted without a vote a draft resolution entitled "Question of Western Sahara" (A/C.4/65/L.5), submitted by the Chair. After the adoption of the draft resolution, the representative of Belgium made a statement in explanation of vote on behalf of the States Members of the United Nations that are members of the European Union and Albania, Bosnia and Herzegovina, Croatia, Liechtenstein, Montenegro, Norway, the Republic of Moldova and Ukraine.

25. On 10 December 2010, the General Assembly adopted the draft resolution, without a vote, as resolution 65/112. In that resolution, the Assembly, among other things, welcomed the ongoing negotiations between the parties; requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the Assembly at its sixty-sixth session; and invited the Secretary-General to submit to the Assembly at its sixty-sixth session a report on the implementation of the resolution.

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I. General

1. Anguilla is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory lies 240 kilometres east of Puerto Rico, 113 kilometres north-west of Saint Kitts and Nevis and 8 kilometres north of St. Maarten/St. Martin. The Territory has a relatively flat topography, with a few rolling hills rising to the highest elevation of 213 feet, comprises a total area of 96 square kilometres and includes several offshore islets. The main island has a maximum length of 26 kilometres and a maximum width of 5 kilometres. The capital of Anguilla is The Valley, where 43 per cent of the population resides.

2. An unofficial estimate for 2010 provided by the administering Power puts Anguilla's population at 16,318, with an annual growth rate of approximately 4 per cent.[1] Several thousand Anguillians live abroad, in particular in the United Kingdom, the United States of America and the United States Virgin Islands. Of the total population, 99 per cent speak English. Spanish or Chinese are the most common mother tongues among non-English speakers.

3. The currency of Anguilla is the Eastern Caribbean dollar (EC$), which is aligned with the United States dollar at approximately EC$ 2.70. Major trading partners are North America, mainly the United States, and the Caribbean region.

4. Originally inhabited by the Arawaks, the Territory was colonized by British and Irish settlers in 1650. In terms of administrative and constitutional arrangements, Anguilla was periodically associated with Saint Kitts and Nevis over the years, as well as various regional structures. Following the 1962 dissolution of the Federation of the West Indies, in February 1967 Saint Kitts-Nevis-Anguilla became a State in association with the United Kingdom. Following demonstrations demanding secession from Saint Kitts and Nevis, a referendum held in Anguilla in July the same year resulted in 1,813 votes to 5 in favour of secession. Under the Anguilla Act of 1971 the United Kingdom reassumed direct responsibility for the administration of the Territory and a separate constitution came into effect in February 1976. In 1980, the Territory became a dependency of the United Kingdom.

5. The basis of the current relationship between the United Kingdom Government and its Non-Self-Governing Territories is enshrined in the constitution of each Territory. The British Overseas Territories Act 2002 grants the right of British citizenship to "British Overseas Territory citizens".

II. Constitutional, legal and political issues

6. According to the Anguilla Constitution Order, which came into force in 1982 and was amended in 1990, the Government of Anguilla consists of a Governor, an Executive Council and a House of Assembly. The Governor, who is appointed by the

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Further details are contained in previous working papers posted on the United Nations website www.un.org/Depts/dpi/decolonization/docs.

[1] Information provided by the administering Power on 14 January 2011.

United Kingdom, is responsible for defence, external affairs, internal security, including the police and prison services, international financial services and their regulation, public service appointments and the application to public servants of their terms and conditions of service. On all other matters, the Governor is required to consult with and act on the advice of the Executive Council. At the same time, the Order stipulates that the British Crown reserves power, with the advice of the Privy Council, to make laws for the peace, order and good government of Anguilla.

7. According to the administering Power, Alistair Harrison was appointed Governor in April 2009 upon the retirement of Governor Andrew George.

8. The Territory's Executive Council consists of the Chief Minister, not more than three other ministers and two ex officio members (the Attorney General and the Deputy Governor). The Governor acts as Chairman. The House of Assembly is elected for five-year terms. It comprises a Speaker, seven members elected from single-member constituencies, the same two ex officio members as in the Executive Council and two members nominated by the Governor, one of whom is appointed upon the advice of the Chief Minister and the other after consultation with the Chief Minister and the Leader of the Opposition, as appropriate.

9. General elections were held in Anguilla on 15 February 2010, and resulted in a change of government from the Anguilla United Front (AUF), an alliance of the Anguilla Democratic Party and the Anguilla National Alliance, to the Anguilla United Movement (AUM) under Hubert B. Hughes, with four seats. AUF won two seats and the Anguilla Progressive Party (APP) one seat. Approximately 8,650 persons were eligible to vote. There was a high turnout of voters, with up to 80 per cent reported in some electoral districts. According to the administering Power, on 28 June 2010, an opposition member crossed the floor giving the territorial Government five out of the seven elected members. General elections saw a woman taking the Chair for the first time as Speaker. The next general elections are due by March 2015.

10. The law of Anguilla is the common law of the United Kingdom, together with all legislation inherited from the former associated State of Saint Kitts-Nevis-Anguilla up to August 1971 and the local legislation enacted since. The law is administered by the Eastern Caribbean Supreme Court, an itinerant Court based in Saint Lucia, which comprises a Court of Appeal and a High Court of Justice, courts of summary jurisdiction and a magistrates court.

11. In the context of efforts to modernize the Territory's Constitution, in early 2006 the territorial Government established a Constitutional and Electoral Reform Commission which in July the same year recommended changes to the current constitution, designed to provide the Territory with more internal self-governance. In 2008, a team was set up in the Territory to draft a new constitution using the concept of internal self-government as the basis for the exercise. As previously reported, in 2009 the new draft constitution was presented for public consultation, and discussion on it with the United Kingdom was expected to begin in 2010. No further information has become available on this matter.

12. At the beginning of 2011, amidst growing tension between the Governor and the territorial Government over budgetary and economic matters, the Chief Minister appealed to the people of Anguilla peacefully to contemplate an "economic revolution" with a view to determining whether the Territory was going to start

seriously to move towards independence or "allow the administering Power continually to increase their powers". The Chief Minister stated that the handling of the Territory's current economic crisis by the administering Power revealed that "we cannot be afraid any longer to talk about independence". Additional information on related developments can be found in the section below.

III. Budget

13. According to the administering Power, in April 2010 the Chief Minister and Minister of Finance presented the 2010 budget to the House of Assembly, stating that the recurrent expenditure for 2010 was projected at approximately EC$ 212 million, with capital expenditure projected at approximately EC$ 10 million. Reserves at the end of December 2009 stood at EC$ 1.88 million. The April 2010 budget was withdrawn from the House of Assembly prior to voting and another budget presented to the House and passed in June 2010. In the June 2010 budget, the recurrent expenditure for 2010 was projected at approximately EC$ 205 million, with capital expenditure projected at approximately EC$ 8.5 million. Recurrent expenditure for 2010 was estimated to be 12 per cent lower than the estimate provided for in the 2009 budget. Capital projects for 2010 focused on addressing the need to stabilize the Anguillian economy and supporting and enhancing economic growth, while providing the necessary supporting social development and protection.

14. According to media reports, in 2010 the territorial Government continued the practice of borrowing funds from the Eastern Caribbean Central Bank to pay the salaries of public servants. In view of the dire situation with regard to the public finances in 2010/2011, the new territorial Government has engaged in a number of public outreach exercises, including the holding of special meetings and rallies with the public.

15. On 6 January 2011, the Governor issued a statement indicating that he would not be signing the 2011 budget as presented by the Chief Minister and Minister of Finance, and that United Kingdom Government Ministers would be writing to the Government of Anguilla explaining the background to that decision and proposing a way forward so that the Governments of the United Kingdom and Anguilla could agree on a budget for 2011 that puts Anguilla's public finances onto a more sustainable footing. In taking this step, the British Government had not indicated that it sought to impose a particular budget settlement, or a particular level of reduction in expenditure or in the numbers of public service employees, but that it would expect the cooperation of the Government of Anguilla in moving forward. At the same time, the media reported that a possible reduction in public sector expenditure by as much as 30 per cent was under discussion.

16. In Anguilla there are no income, estate, capital gains, corporation, value added or goods and services taxes. The territorial Government continues to study this matter, in particular with regard to the impact of low taxation on the Territory's economy and public sector reserves. According to the territorial Government, a significant proportion of revenues comes from sources such as stamp duty and work permits, which are considered unpredictable revenue streams.

17. Anguilla has acceded to the Organization for Economic Cooperation and Development international standard in taxation. According to the administering

Power, the Territory became fully compliant with international tax information exchange standards following the signing of two new agreements in early 2010.

IV. Economic conditions

A. General

18. According to the territorial Government, the Territory's gross domestic product (GDP) for 2009 was approximately EC$ 298 million, representing a decline of some 22 per cent over the 2008 figure of approximately EC$ 379 million. The largest contributor to GDP in 2009 was the banking and insurance sector, representing 27.3 per cent of GDP. In 2008 the construction sector was the largest contributor to GDP, but the prevailing financial crisis and downturn in tourism-related construction and construction in general on the island resulted in a decline of 58.87 per cent in 2009. By the end of 2010, the public sector was the biggest employer on the island, with the private sector underperforming. A growth rate of 4.34 per cent was recorded for the public sector in 2009. According to the administering Power, the contribution of Government highlights the importance of the sector to the economy, especially in tough financial times.

19. The main industries in Anguilla are tourism; offshore incorporation and management, and banking; and fishing. Construction and tourism are the main sources of economic growth. Anguilla's economy is highly vulnerable to downturns in the global economy, high international oil prices and unfavourable weather conditions.

B. Tourism

20. Luxury tourism continues to be central to the economy. According to the territorial Government, this sector underperformed in 2010. In 2009, the decline in tourism activity saw the hotel and restaurant sector moving from the No. 1 to the No. 2 spot in terms of contribution to GDP, of which it represented approximately 24.6 per cent. The Anguilla Tourist Board and the Anguilla Hotel and Tourism Association market and promote the Territory's tourism product.

21. According to the territorial Government, three prime economic sites, Flags Luxury, Cap Juluca and Viceroy, were permitted to breach the Territory's alien land-holding policy before it took office in 2010. In the view of the territorial Government, these developments were carried out to ensure that there was no trickle-down effect to the local economy by using external labourers on the projects. For their part, as reported in the media, voices from the private sector similarly expressed concern about the Territory's "serious real estate debacle" that was negatively affecting the tourism and related sectors. The Chief Minister appealed to the private sector and others to promote positive discrimination in tourism development in favour of the Territory's population, followed by other Caribbean nationals.

C. Financial services

22. Anguilla has a small international finance sector, specializing in insurance, mutual funds, trust and company registration, for whose regulation the administering Power is directly responsible. According to the administering Power, the industry includes four commercial banks, two of which are funded by indigenous capital, the National Bank of Anguilla and Caribbean Commercial Bank (Anguilla), and 53 trust companies, among others. In 2010, the sector was responsible for approximately 6 per cent of employment and generated around 12 per cent of GDP.

23. Anguilla's Financial Services Commission, established in 2004, is an independent regulatory body that focuses on licensing, supervision of licensees, monitoring of financial services in general, reviewing existing financial services legislation and making recommendations for new legislation, as well as maintaining contact with appropriate foreign and international regulatory authorities.

24. In 2010, Anguilla signed a memorandum of understanding (MOU) with the United Kingdom Government related to the survey and certification of ships on the register of shipping in Anguilla. The MOU provides the opportunity to increase the size of the Anguillian fleet by allowing for the registration of vessels in private use up to 400 gross tonnes, the previous limit being 150 gross tonnes. Expanding the registration capabilities of the local ship registry is expected to increase financial activity in the sector and will also provide linkages to other areas in the financial sector.

D. Agriculture and fisheries

25. Agricultural activity in Anguilla is limited, owing to a combination of poor soil and irregular rainfall. Nevertheless, agriculture continues to play a part in the livelihood of the local population. According to the administering Power, there is a new thrust by the territorial Government to use agriculture as an engine for economic growth. There is also a resurgence of interest being displayed by young farmers in this industry, who are now seeing it as a business opportunity instead of just as subsistence or backyard farming.

26. According to the administering Power, there are about 400 men directly employed in Anguilla's fishing industry. The Territory's resources include pelagic fish species such as dolphin, wahoo and tuna fish, as well as lobsters and crayfish. According to the administering Power, the territorial Government continues to implement plans for institutional strengthening and human resource development in order to effectively manage the fisheries and other marine resources of the island. Staff numbers at the Department of Fisheries and Marine Resources have been steadily increasing since 2005, with a slight decrease recorded in 2010. The Department of Fisheries and Marine Resources, created in 1991, is responsible for managing Anguilla's fisheries resources and for safeguarding the functional integrity of the critical marine habitats, including through the issuance of fishing and fish trapping licences.

E. Infrastructure

27. According to the administering Power, Anguilla continues to undertake projects throughout the island, including road works, port and school development, and other national infrastructure needs that fall under the responsibility of the territorial Government's Ministry of Infrastructure, Communications, Utilities, Housing, Agriculture and Fisheries. The Territory has approximately 170 kilometres of public road, approximately 80 per cent of which are paved.

28. According to the territorial Government, during 2009 approximately EC$ 0.8 million was spent on the roads development programme that focused on the upgrade or resurfacing of village roads, roads in Island Harbour, the Quarter and other roads. There was expenditure of EC$ 4.7 million on seaport development which supported the continuation and completion of three consultancies geared to providing Anguilla with modern port facilities to meet its long-term development and operational needs, including detailing the institutional requirements for a combined air and seaports authority.

29. As previously reported, the Air and Seaports Authority Act (2009) enables the territorial Government to divest itself of the operation and management of commercial ports in Anguilla, and establish a semi-autonomous entity that would operate, maintain and develop ports in Anguilla.

30. Wallblake Airport situated on the outskirts of The Valley is the sole airport on the island and serves both commercial and private airplanes, including through a fixed base operator facility. There are flights to and from the international airports of Antigua, St. Maarten, Puerto Rico and the United States Virgin Islands.

F. Communications and utilities

31. There is no public transport in Anguilla except taxis, and car rental is widely available. Anguilla has a modern internal telephone system with multiple external gateways, including several microwave relays to St. Maarten/St. Martin, and a fibre landing point on Tortola for international calls, with competition in mobile, landline and Internet services.

32. According to the administering Power, the territorial Government has completed the "corporatization" of the water utility, which has been trading since mid-2009 as a State-owned water corporation. The utility is regulated by the Ministry of Infrastructure. Further, the Anguilla Electricity Company is partnering with the territorial Government in a renewable energy initiative. The territorial Government's energy policy, inter alia, aims to reduce dependence on fossil fuels for power generation and transportation, to use locally available renewable resources, such as wind and solar power, to the greatest extent possible and to support and advance a local skill base for the power generation sector.

V. Social conditions

A. General

33. According to the administering Power, Anguilla is to hold a housing and population census in 2011. In 2008, the latest year for which figures are available,

life expectancy at birth for females was estimated to be approximately 77 years, and 71 years for males.

34. Preliminary findings of the Anguilla Country Poverty Assessment project published in 2010 indicate that no percentage of the population was reported to be extremely poor or indigent, while 5.8 per cent were assessed as poor, and 17.7 per cent as vulnerable. The annualized indigence line was given as EC$ 2,602, the poverty line as EC$ 16,348, and the vulnerability line as EC$ 20,484, with the cost of the daily food basket for an adult based on 2,400 kilocalories given as EC$ 7.13.

35. Anguilla has had a social security scheme since 1982, which is overseen by the Anguilla Social Security Board. Non-contributory Old Age Pension (Amendment) Regulations and Benefits (Amendment) Regulations became effective in 2010, increasing allowances to eligible persons in need. According to media reports, the Anguilla Social Security Board has received a Certificate of Merit with Special Mention from the International Social Security Association (ISSA), the principal international institution bringing together social security agencies and organizations. Anguilla's award was bestowed for "Transparency and Accountability: Good Governance at the Anguilla Social Security Board" among the ISSA triannual awards for the Americas, recognizing the Board's annual public accountability sessions. These open sessions utilize mass media to communicate with the widest possible audience among the Anguillian public. At the sessions, the Board presents its performance report, business plan and budget, engages the public in discussion and allows them to offer their feedback. The accountability sessions are followed up with talk shows to reinforce the desired message and counter rumour and misinformation.

36. In 2010, the territorial Government worked to finalize family law reform legislation and was in the final stages of completing the first draft of a policy paper to develop a gender affairs unit in the Ministry of Home Affairs, which was expected to be established in 2011 to deal with gender and development issues and to create strong linkages with civil society.

B. Education and culture

37. The Education Department manages and oversees the education system in Anguilla, which had an estimated literacy rate of over 95 per cent for 2008, the latest available figure.

38. Education in Anguilla is free and compulsory between the ages of 5 and 17 years. The education system ranges from the pre-primary to the tertiary level. According to the administering Power, there are 11 private preschools, of which 10 are subsidized by the territorial Government. According to the administering Power, enrolment stands at approximately 440. There are eight primary schools in Anguilla: six public, one private and one private assisted. Special education services are provided at centres attached to two of the larger primary schools. Present enrolment in primary education is approximately 1,610.

39. Secondary education in Anguilla is provided at two campuses of one secondary educational institution, the Albena Lake-Hodge Comprehensive School. Alternative programmes are also offered at two separate locations through the Workshop

Initiative for Support in Education and the Pupil Referral Unit. According to the administering Power, 1,158 students were enrolled at the school.

40. According to the territorial Government, in 2009 EC$ 2.3 million were spent on improving the Territory's schools environment, specifically by the construction of additional classrooms at Valley Primary School and the upgrade of a vocational and technical facility at the Albena Lake-Hodge Comprehensive School.

41. The Professional Development Unit of the Department of Education and the University of the West Indies (UWI) Distance Education Centre provide tertiary education in Anguilla, offering primary and secondary teacher training and basic skills training programmes. The UWI Centre's extension campus in Anguilla offers a range of distance education programmes to students in the Territory, based on the system used by the University of the West Indies. The Anguilla Community College was established in March 2009 in response to the Territory's increasing shortage of skilled personnel in the critically important sectors of hospitality and construction.

42. According to media reports, in 2010 the Ministry of Social Development continued its work towards the development of a cultural policy. Based on public consultations, a coherent initiative sought to articulate a strategy that is culturally sensitive and grounded on the principle that culture is inextricably linked with sustainable national development. The territorial Government declared 2 March a public holiday in honour of James Ronald Webster, Anguilla's revolutionary leader, father of the nation and first Chief Minister.

C. Public health

43. The Board of the Health Authority of Anguilla has responsibility for all primary, secondary and personal health-care services. The Ministry of Social Development is charged with regulating and monitoring the public and private health sectors, including the Health Authority of Anguilla, carrying out policymaking and regulatory functions in relation to the health service. The territorial Government's health priorities, set out in the strategic plan for health covering the period 2009-2014, include the strengthening of primary and secondary health-care services, the strengthening of the Ministry of Health's regulatory function, the development of health information systems and a strong focus on chronic non-communicable diseases and mental health.

44. The 2009 budget made provision for EC$ 16.5 million for the Health Authority. Capital estimates for the development of health services amounted to approximately EC$ 2.2 million, while EC$ 2.7 million were allocated for the capital development of the National Health Fund. According to the administering Power, efforts to establish a national health insurance scheme are ongoing.

45. There are three health centres in the Territory's three health districts, as well as one hospital, the Princess Alexandra Hospital, located in The Valley. Medical facilities are relatively limited and serious cases requiring major surgery may need to be evacuated to a neighbouring island.

D. Crime and public safety

46. According to information provided by the administering Power, the crime rate in Anguilla continued to be low when compared with regional and international standards. There was a significant reduction in violent crime on the island in 2010. Crimes against property continued to be a priority issue for the Royal Anguilla Police Force, with burglary and theft being the main offences against property. A number of armed robberies raised some concerns but they subsided following the arrest of three non-Anguillian citizens linked to the robberies.

47. As previously reported, the Royal Anguilla Police Force has a fully functioning scene-of-crime unit. With the introduction of an evidence-collection vehicle and the employment of two civilian crime-scene forensic examiners, the Royal Anguilla Police Force crime-scene examination and evidence-gathering capability has been significantly enhanced. For the first time in the island's history, in 2010 a woman was promoted to the rank of Deputy Police Commissioner.

VI. Environment

48. The Department of Environment, Department of Agriculture, Department of Fisheries and Marine Resources, and the Anguilla National Trust are the principal entities dealing with environmental issues in Anguilla. In 2009 a Climate Change Coordinating Committee was formed through the collaboration of stakeholder agencies, to mitigate various potential impacts of climate change. In 2010, the territorial Government agreed to work with the relevant United Kingdom Government departments to help manage the natural environment and the impact of climate change in the Territory, including through highlighting examples of good practices and successes already achieved in the Territory.

49. In 2010, Anguilla's National Disaster Management Committee and Department of Disaster Management continued to prepare the population to deal with natural disasters such as earthquakes. Further, Anguilla has both tropical cyclone and earthquake policies in place, with the Caribbean Catastrophe Risk Insurance Facility (CCRIF) as part of the Territory's disaster risk reduction management strategy. In September 2010, CCRIF announced that it was paying approximately US$ 4 million to the territorial Government in connection with damage resulting from Hurricane Earl which had passed through the Territory in August.

VII. Relations with international organizations and partners

50. Anguilla is a member of the Eastern Caribbean Central Bank and an associate member of the United Nations Economic Commission for Latin America and the Caribbean, the Organization of Eastern Caribbean States, the Association of Caribbean States, and the Caribbean Community and the Common Market.

51. As a Non-Self-Governing Territory of the United Kingdom, Anguilla is associated with the European Union but is not a part of it. According to the administering Power, the Territory has yet to establish its relation to the European Union Economic Partnership Agreement.

52. As previously reported, the Government of Anguilla cooperates directly with other Caribbean Governments and participates in regional projects of various international organizations and agencies. For instance, Anguilla was represented at the seventh International Labour Organization meeting of Caribbean Labour Ministers held in Georgetown, Guyana, 14-16 April 2010.

VIII. Future status of the Territory

A. Position of the territorial Government

53. Developments in constitutional reform efforts involving the future status of Anguilla are referred to in chapter II of the present paper.

B. Position of the administering Power

54. Information on the general position of the United Kingdom was included in the August 2010 report of the Secretary-General entitled "Second International Decade for the Eradication of Colonialism" (A/65/330, annex I). On 4 October 2010, the United Kingdom made a statement before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-fifth session of the General Assembly.

55. According to the record of the Fourth Committee meeting (A/C.4/65/SR.2), the representative of the United Kingdom, inter alia, reiterated the established position of the British Government that its relationship with its Overseas Territories was a modern one based on partnership, shared values and the right of each Territory to determine whether it wishes to stay linked to the United Kingdom or not. Although the situation in each Territory was different and some Territories were at a more advanced stage of development than others, the United Kingdom would continue to work with all the Territories, as appropriate, in areas such as good governance, political and economic development and transparency, enhanced security and reduced vulnerability to natural and non-natural disasters.

56. The speaker went on to say that the relationship between an Overseas Territory and the United Kingdom was enshrined in the constitution of each Territory. A recent constitutional review process with a number of the Territories had resulted in updated provisions of existing constitutions, such as human rights provisions, and those relating to good governance and the respective roles of the Governor and locally elected politicians.

57. Further, good governance had been the central theme in all constitutional talks with the Territories. The British Government had no wish to micromanage its relationship with its Overseas Territories and was committed to allowing each Territory to run its own affairs to the greatest degree possible. However, that brought with it responsibilities on the part of each Territory. Where the United Kingdom felt that a Territory was failing to fulfil the international obligations which extended to it, or developments in a Territory gave rise to other concerns, the British Government would not hesitate to raise the issue with the Government of that Territory and to intervene where necessary.

C. Action taken by the General Assembly

58. On 10 December 2010, the General Assembly adopted without a vote resolutions 65/115 A and B, based on the report of the Special Committee transmitted to the General Assembly[2] and its subsequent consideration by the Fourth Committee. Section II of resolution 65/115 B concerns Anguilla. Under the operative paragraphs of that section, the General Assembly:

1. *Welcomes* the presentation of a new constitution for public consultation in 2009 with the aim of further discussing the new constitution with the administering Power in 2010;

2. *Requests* the administering Power to assist the Territory in its current efforts with regard to advancing the internal constitutional review exercise, if requested;

3. *Stresses* the importance of the previously expressed desire of the territorial Government for a visiting mission by the Special Committee, calls upon the administering Power to facilitate such a mission, if the territorial Government so desires, and requests the Chair of the Special Committee to take all the necessary steps to that end;

4. *Requests* the administering Power to assist the Territory by facilitating its work concerning public consultative outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

5. *Calls upon* the administering Power to assist the territorial Government in strengthening its commitments in the economic domain, including fiscal matters.

[2] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 23* (A/65/23).

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Tokelau

Working paper prepared by the Secretariat

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I. General background

1. Tokelau,[1] a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls in the northern South Pacific (Fakaofo, Nukunonu and Atafu), with a total area of approximately 12.2 km^2. Each atoll comprises strips of land up to 200 m wide and not more than 5 m above sea level. Samoa, 480 km to the south, is the nearest sizeable neighbour and the principal point of contact for Tokelau with the outside world.

2. Tokelauans are Polynesians with linguistic, family and cultural links with Samoa. As at July 2010, the estimated population of the Territory on the atolls was 1,416. About 7,000 Tokelauans live in New Zealand. Tokelauan communities are also located in Australia, American Samoa and Samoa. As New Zealand citizens, Tokelauans may also reside in Australia.

3. The New Zealand official with principal responsibility for relations with Tokelau is the Administrator of Tokelau, who is based in Wellington and is appointed by the New Zealand Minister for Foreign Affairs. The Office of the Administrator has day-to-day responsibility for relations between New Zealand and Tokelau. The New Zealand Secretary of Foreign Affairs and Trade currently acts in the position.

II. Constitutional and political developments

A. Local self-governance

4. As reported in previous working papers on the question of Tokelau (see A/AC.109/2001/5, A/AC.109/2002/6, A/AC.109/2003/10, A/AC.109/2004/8 and A/AC.109/2005/3), the current process of constitutional development stems from the 1998 decision by the General Fono (the national representative body of Tokelau) to endorse a comprehensive report entitled "Modern house of Tokelau", which addressed the core issue that faced Tokelau in creating a constitutional framework that suited an atoll- or village-based self-governing community that respected traditional decision-making customs.

5. In accordance with the terms of the 1998 "Modern house of Tokelau" report, General Fono delegates are now elected on the basis of proportional village representation with delegates elected through universal village suffrage, rather than a system of equal village representation with delegates appointed by the respective Village Councils, as was previously the case. In 2004, further decisions were made on the method of appointment of the Chair of the General Fono and on the role and responsibilities of the six-person Council of Ongoing Government, which is the executive Government when the General Fono is not in session. The Council consists of three Faipule (representative of each village) and three Pulenuku (mayor of each village). The position of Ulu-o-Tokelau, or Head of Government, rotates

[1] The information contained in the present working paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

annually among the three Faipule. The position was held in 2009 by the Faipule of Fakaofo and in 2010 by the Faipule for Atafu.

6. Village elections for Faipule, Pulenuku and General Fono delegates are held in each village in January, every third year. The most recent elections were held from 17 to 19 January 2008. Representation in the General Fono currently stands at: Atafu, seven delegates; Nukunonu, six; and Fakaofo, seven.

7. Since July 2004, the three Village Councils have taken full responsibility for all village public services. That decision emanated from the Modern House of Tokelau approach, whereby the traditional Council of Elders on each atoll should serve as the foundation for any future governance structure. Under that arrangement, the three Village Councils would delegate authority to the General Fono for activities that needed to be handled at the national level (see A/AC.109/2005/3). The remaining aspect of the Modern House project, known as Friends of Tokelau (i.e., keeping Tokelauan communities in New Zealand and other interested parties informed of developments) is handled by the Office of the Council of Ongoing Government of Tokelau and the Office of the Administrator in Wellington. The Office of the Administrator has been incorporated into a Special Relations Unit, which is responsible for New Zealand's relationship with Tokelau (as well as with Niue), and is staffed by officers of the Ministry of Foreign Affairs and Trade. A member of the Tokelau Public Service works in the Office of the Administrator.

B. Referendum process

8. In 2003, the General Fono took a formal decision, with the support of all three Village Councils, to "endorse self-government in free association with New Zealand as the choice to be actively explored with the New Zealand Government". During a visit to Tokelau in August 2004, the then New Zealand Prime Minister welcomed decisions by Tokelau on its future political status and assured Tokelau of the ongoing friendship and support of New Zealand as it moved towards an act of self-determination.

9. In August 2005, the General Fono approved a draft constitution as the basis for the proposed act of self-determination, as well as the text of a draft treaty of free association between Tokelau and New Zealand. In November 2005, the New Zealand Cabinet gave its formal approval. The so-called "referendum package", consisting of the draft treaty and the draft constitution, was to form the basis for the referendum on self-determination. In line with a decision by the General Fono, an overall majority of two thirds of the valid votes cast was required for a change to the status of Tokelau.

10. The first referendum on self-determination was held sequentially in Apia and on the three atolls from 11 to 15 February 2006 (see A/AC.109/2006/20). The outcome of the referendum fell short of the required two-thirds majority, with 60 per cent of valid Tokelauan votes cast in favour of self-government in free association with New Zealand. The United Nations, which formally monitored the referendum, deemed the process credible and reflective of the will of the people of Tokelau. A representative of the Special Committee accompanied by a Political Affairs Officer of the Department of Political Affairs of the Secretariat also observed the referendum process.

11. In August 2006, the General Fono voted to hold a second referendum on Tokelauan self-determination in late 2007. The proposed constitution and the draft treaty, commonly referred to as the self-determination package, were to be the same and the legal threshold for acceptance of the proposal would remain at a two-thirds majority.

12. The second referendum was held from 20 to 24 October 2007. The result, with 64.4 per cent in favour, was again below the two-thirds threshold, thereby leaving the status of the Territory unchanged (see A/AC.109/2007/19). As with the first referendum, the United Nations formally monitored the voting, with representatives of the Special Committee on Decolonization and the Department of Political Affairs present as observers.

13. Following the results of the second referendum, the General Fono requested the Government of New Zealand to keep on the table the entire self-determination package (i.e., the draft treaty and draft constitution that had been agreed on and had served as the foundation for the previous ballots). The Council of Ongoing Government noted that Tokelau could in the future change the two-thirds majority threshold for the referendum, but should put in place measures to ensure that a threshold was supported by a clear majority in each village to guarantee unity. The Council of Ongoing Government also noted Tokelau's strong commitment to self-determination and its wish to have a constitution, albeit one that did not encompass the free association self-government provisions.

14. The outcomes of the referendums, neither of which reached the threshold of support set by Tokelau's General Fono for a change of status, have been acknowledged and accepted by New Zealand. As a follow-up to the 2007 referendum result, the then Prime Minister of New Zealand met with Tokelau's leaders in February 2008, to discuss the next steps in the New Zealand-Tokelau relationship. It was agreed that a "pause" should be taken in Tokelau's self-determination efforts, and that in the meantime Tokelau would focus on meeting its basic needs.

III. Economic conditions

A. General economic overview

15. Tokelau faces major constraints on its economic growth, including such natural disadvantages as small size, isolation, wide spread of the atolls, lack of natural resources, and natural disasters (such as cyclones). Tokelau's economic stability has so far been made possible by the high levels of assistance provided by the administering Power. With the continued assistance of New Zealand, the Council of Ongoing Government of Tokelau intends to maintain its focus on implementing various priority projects related to infrastructure, the delivery of core services and shipping, as well as on developing the villages and to strengthening the General Fono, the Council of Ongoing Government of Tokelau and the Tokelau Public Service.

16. Tokelau has a unique combination of traditional and modern income resource streams. With Government funding, many villagers are paid regularly for various village duties ranging from construction and boat-loading to assistance to the

General Fono and other public entities. Work is under way to identify fisheries development opportunities given the revenue earning potential for Tokelau.

17. Traditional and communal values and practices play a key role in contributing to a state of general well-being and equity in the Territory, as evidenced by the *inati* system and the importance attached to upholding the concept of the family and/or the extended family. The tradition of *inati* requires the deposit at a central location of food and produce, which is then apportioned by the distributors on the basis of "share groups". The principle provides for a secure distribution system that addresses the needs of every member of the community, including the elderly, widows, single parents and children.

18. Tokelau has been able to maintain a fairly steady level of population. For that trend to continue and to avoid the migration of skilled persons, both Tokelau and New Zealand are aware that basic services must be maintained at levels that promote confidence in the quality of life on Tokelau's atolls.

B. The administering Power's assistance to Tokelau

19. Throughout 2010, discussion continued within Tokelau and with New Zealand on appropriate and achievable goals and objectives in the area of economic development. Both Tokelau and New Zealand have reaffirmed their commitment to identifying activities and projects that can be viably established and maintained.

20. Assistance is normally provided under the terms of three-year economic support arrangements. Currently in place is a one-year interim package that commits up to $17.25 million in assistance for Tokelau. The Tokelau International Trust Fund, formally established in November 2004, is designed to provide intergenerational security and an independent source of income to Tokelau in the future. With contributions from Australia, New Zealand, Tokelau and the United Kingdom of Great Britain and Northern Ireland, the Fund now stands at approximately $NZ 61 million.

C. Transport and communications

21. Tokelau has no airstrips and its main transportation option is provided by a single vessel, the *MV Tokelau*, a ship with limited cargo and passenger capacity that provides service every two weeks between Tokelau and Apia, as well as inter-atoll services. Additional visits by larger vessels under charter from the Samoa Shipping Corporation Ltd. have also been funded to meet Tokelau's transport needs. The United Nations mission that visited the Territory in August 2002 had concluded that the lack of transportation options was one of the greatest obstacles to economic and social development in the Territory and recommended that serious consideration be given to the establishment of a dedicated inter-atoll ferry and an airstrip on one of the atolls. Recognizing that the quality of the transport service linking Tokelau's atolls and providing contact with Samoa lies at the heart of its ongoing viability, New Zealand, as the administering Power, has committed itself to a major review of Tokelau's transport needs including the possibility of an air service.

22. The ongoing development of Tokelau's infrastructure and maintenance of existing facilities is a major facet of relations between Tokelau and New Zealand.

Decisions on the prioritization of projects rest with the Government of Tokelau, both at the public service level and the village council level. Upgrading of schools and health centres is being accorded the highest priority on each atoll.

23. For more than a decade, large investments have been made to facilitate Tokelauan contacts, both inter-atoll and with the outside world. The Telecommunications Tokelau Corporation, a $NZ 4 million international telecommunication service, was established in 1997. A website (www.dot.tk) became operational in January 2002 and offers both free and paid domain names. The website is the result of a commercial licensing agreement between the Corporation and a private company, Taloha Inc. Pursuant to a request from the atolls, the Corporation began to install new equipment in the atolls in 2009 to boost telecommunication services in the villages and to assist in creating Internet-based long-distance education opportunities.

24. In 2002, FM radio stations were inaugurated on each of the atolls with funding from New Zealand. The radio stations are seen as an excellent means of maintaining the Territory's cultural heritage, as well as facilitating communication and transparency on community and decision-making matters, since they broadcast meetings of the Council of Elders on each atoll.

D. Power supply

25. In 2008, a diesel-powered electricity system was largely completed in all three atolls, under the auspices of the New Zealand Agency for International Development, at a cost of $NZ 3 million. Tokelau remains keenly committed to maximum reliance on renewable energy, for environmental and economic reasons, and is working to develop appropriate strategies. The pilot photovoltaic energy grid project funded by the United Nations Development Programme and the Government of France, covering 15 households on Fakaofo, is currently being rolled out to other communities in Tokelau.

IV. Social conditions

A. Education

26. Under Tokelau's compulsory education system, primary and secondary education are available to everyone. As a member of the University of the South Pacific, Tokelau also has access to the University's educational telecommunication system through a satellite established in Atafu. Despite significant funding for education over many years, education standards on the atolls remain relatively low. This is a key reason why significant numbers of families leave the atolls to seek improved educational opportunities for their children in New Zealand, Samoa and elsewhere. A major infrastructure renewal programme is continuing in Tokelau, which includes the provision of new schools in Atafu and Fakaofo. Efforts have also been devoted to curriculum development, training of principals and senior staff and the extension of secondary schooling in 2009 to cover year 13. Tokelau is also working closely with the Secretariat of the Pacific Community to explore better Internet access.

B. Health care

27. The provision of adequate health services to the populations of three dispersed atolls connected to the wider world by sea transport will remain a major challenge for Tokelau.

28. The major non-local sources of contributions to health care are the Government of New Zealand, the World Health Organization (WHO), the United Nations Children's Fund, the United Nations Population Fund and UNDP, as well as the Government of Australia and the Secretariat of the Pacific Community. The priorities of the national health plan are: (a) healthy islands and communities; (b) healthy lifestyles; (c) development of health partnerships; (d) development of accessible primary health-care services; (e) successful community participation; and (f) development and improvement of the health-service system.

29. Each of Tokelau's atolls has a basic health centre, staffed and equipped to deliver core medical care and related services. Considerable attention and funding is devoted to this core area of Tokelau's needs. As part of a major infrastructure renewal programme, Nukunonu is in the process of having its health centre substantially improved.

30. According to WHO, the general health status of Tokelauans is reasonably good; however, tobacco and alcohol consumption are relatively high among the adult population, especially in males. Obesity is widespread, with a prevalence of 70 per cent for men and 83 per cent for women 30 to 39 years of age and is attributed to diet and physical inactivity.[2]

V. External relations

31. As set out in paragraphs 9 and 10 of the Principles of Partnership statement, Tokelau as a Non-Self-Governing Territory has insufficient international legal personality to enter into formal international legal obligations as a State in its own right. New Zealand is responsible for entering into any such obligations on behalf of Tokelau, after consulting with Tokelau as to its wishes. Tokelau participates in regional and international organizations in its own right to the extent that those organizations provide for such participation.

32. Tokelau is a member of the Forum Fisheries Agency, the South Pacific Community, the University of the South Pacific and the Pacific Regional Environment Programme. In October 2005, Tokelau was admitted as an Associate Member of the South Pacific Applied Geoscience Commission and in the Pacific Islands Forum. Tokelau is an Associate Member of WHO and of the United Nations Educational, Scientific and Cultural Organization. Apart from its relationship with New Zealand, Samoa constitutes another important bilateral contact for Tokelau.

[2] Information provided by WHO Samoa office.

VI. Future status of the Territory

A. Position of the territorial Government

33. Speaking at the June 2010 session of the Special Committee, the Ulu-o-Tokelau said that Tokelau's relationship with New Zealand remained strong despite its challenges. The Territory intended to exercise the act of self-determination whenever its people considered that appropriate. Though they enjoyed a substantial degree of autonomy in the management of their affairs, it was not the same thing as being fully answerable to their Government. Meanwhile, Tokelau was working closely with New Zealand to ensure the maintenance of support in the key areas of transport, health, education and other sectors under the Tokelau National Strategic Plan 2010-2015. The Ulu-o-Tokelau informed the Special Committee that the Constitutional Committee of the Territory planned to discuss issues related to the establishment of an appropriate governance structure prior to revisiting the issue of self-determination.

34. The Ulu-o-Tokelau acknowledged the assistance of the international community and members of the United Nations system, especially UNDP, in meeting Tokelau's needs. He expressed appreciation to the Special Committee, in particular to Papua New Guinea and Fiji, for their support and understanding of the situation in Tokelau.

B. Position of the administering Power

35. As the administering Power for Tokelau, New Zealand has continued to maintain and provide all appropriate support for Tokelau's efforts to determine the will of its people for a possible change of status. Successive Administrators and representatives of New Zealand to the United Nations have placed on record before the Special Committee and the Special Political and Decolonization Committee (Fourth Committee) full information about New Zealand's support for Tokelau on this issue. This attitude towards the needs and aspirations of the people of Tokelau has been favourably acknowledged by those Committees on many occasions.

36. Addressing the Special Committee on 25 June 2010, the representative of New Zealand noted that, at the current stage, the primary focus in the relationship was to provide quality services and living conditions for the people of Tokelau. On the basis of the 2008 commitment by New Zealand and Tokelau leaders, "an appreciable period of time" should elapse before any further act of self-determination was undertaken by Tokelau, and both parties in the relationship would devote their time, efforts and resources to address the core requirements of the population of the atolls.

37. Speaking before the Fourth Committee on 8 October 2010, the representative of New Zealand said that her country remained committed to working with the Special Committee to ensure that timely and accurate information about Tokelau was provided for the Committee's consideration and for the information of the wider United Nations system. She confirmed New Zealand's commitment to working with Tokelau to address the core requirements of the population of the atolls.

C. Consideration of the question by the Special Political and Decolonization Committee (Fourth Committee)

38. While introducing a draft resolution on Tokelau at the Special Committee, the representative of Papua New Guinea said the draft text contained mostly technical updates to the 2009 resolution. Of more significance was the adoption by Tokelau of its National Strategic Plan 2010-2015. He commended the Government of New Zealand for its readiness to cooperate with the Committee and its exemplary efforts in assisting the people of Tokelau in their endeavours to exercise the act of self-determination.

D. Action taken by the General Assembly

39. At its 62nd plenary meeting, on 10 December 2010, the General Assembly adopted without a vote resolution 65/114 on the question of Tokelau.

40. Under the operative part of that resolution, the General Assembly:

1. *Notes* that Tokelau and New Zealand remain firmly committed to the ongoing development of Tokelau for the long-term benefit of the people of Tokelau, with particular emphasis on the further development of facilities on each atoll that meet their current requirements;

2. *Welcomes* the progress made towards the devolution of power to the three taupulega (village councils), in particular the delegation of the Administrator's powers to the three taupulega with effect from 1 July 2004 and the assumption by each taupulega from that date of full responsibility for the management of all its public services;

3. *Recalls* the decision of the General Fono in November 2003, following extensive consultations in all three villages and a meeting of the Special Committee on the Constitution of Tokelau, to explore formally with New Zealand the option of self-government in free association, and the discussions subsequently held between Tokelau and New Zealand pursuant to the decision of the General Fono;

4. *Also recalls* the decision of the General Fono in August 2005 to hold a referendum on self-government on the basis of a draft constitution for Tokelau and a draft treaty of free association with New Zealand, and notes the enactment by the General Fono of rules for the referendum;

5. *Further recalls* that two referendums to determine the status of Tokelau, held in February 2006 and October 2007, did not produce the two-thirds majority of the valid votes cast required by the General Fono to change Tokelau's status from that of a Non-Self-Governing Territory under the administration of New Zealand;

6. *Commends* the professional and transparent conduct of both the February 2006 and the October 2007 referendums, monitored by the United Nations;

7. *Acknowledges* the decision of the General Fono that consideration of any future act of self-determination by Tokelau will be deferred and that New Zealand and Tokelau will devote renewed effort and attention to ensuring

that essential services and infrastructure on the atolls of Tokelau are enhanced and strengthened, thereby ensuring an enhanced quality of life for the people of Tokelau;

8. *Also acknowledges* Tokelau's adoption of its National Strategic Plan for 2010-2015;

9. *Further acknowledges* the ongoing and consistent commitment of New Zealand to meeting the social and economic requirements of the people of Tokelau, as well as the support and cooperation of the United Nations Development Programme;

10. *Acknowledges* Tokelau's need for continued support from the international community;

11. *Recalls with satisfaction* the establishment and operation of the Tokelau International Trust Fund to support the ongoing needs of Tokelau, and calls upon Member States and international and regional agencies to contribute to the Fund and thereby lend practical support to Tokelau in overcoming the problems of smallness, isolation and lack of resources;

12. *Welcomes* the cooperative attitude of the other States and territories in the region towards Tokelau, and their support for its economic and political aspirations and its increasing participation in regional and international affairs;

13. *Calls upon* the administering Power and United Nations agencies to continue to provide assistance to Tokelau as it further develops;

14. *Welcomes* the actions taken by the administering Power to transmit information regarding the political, economic and social situation of Tokelau to the Secretary-General;

15. *Also welcomes* the commitment of both Tokelau and New Zealand to continue to work together in the interests of Tokelau and its people;

16. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine the question of the Non-Self-Governing Territory of Tokelau and to report thereon to the General Assembly at its sixty-sixth session.

41. At the same meeting, the General Assembly also adopted resolution 65/117 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, paragraph 6 of which refers to Tokelau.

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Pitcairn

Working paper prepared by the Secretariat

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I. General

1. Pitcairn is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The basis of the current relationship between the Government of the United Kingdom and its Non-Self-Governing Territories is enshrined in the constitution of each Territory. The British Overseas Territories Act 2002 grants the right of British citizenship to "British Overseas Territory citizens". The Territory is located midway between Australia and the continent of South America at 25°S and 130°W. It comprises four islands in the eastern Pacific Ocean: Pitcairn (the only inhabited island), Henderson, Ducie and Oeno. The total area of the Territory is 35.5 sq km while that of Pitcairn itself is 4.35 sq km.[1]

2. The terrain in Pitcairn is of rugged volcanic formation, with a rocky coastline and cliffs lining nearly the entire perimeter of the island, giving no easy access from the sea. Although canoes can be launched in many places, Bounty Bay and the Tedside landing are the only two places on the Island offering a reasonably safe landing. Pitcairn (named after Robert Pitcairn, a British midshipman who sighted it in 1767), was uninhabited when castaways from HMAV *Bounty* (9 mutineers and 18 Polynesians) arrived there in 1790. The majority of Pitcairn's inhabitants today can trace their ancestry back to those mutineers. The population has been declining steadily since 1937, when it peaked at over 200 and currently, it stands at over 50. It is common for young people to leave the Territory at the age of 15 (usually in their third year of secondary schooling) to attend secondary school in New Zealand. The continuing exodus of young people has been a concern to the Islanders for several years. Most of the population lives in Adamstown, the only settlement. Many Pitcairn Islanders have strong links with New Zealand, and some are dual United Kingdom and New Zealand nationals. There are also links with French Polynesia, Pitcairn's nearest neighbour.

3. The official languages are English and Pitkern, a mixture of eighteenth-century English and Tahitian. The Territory enjoys a subtropical climate. Mean monthly temperatures vary from around 19°C in August to 24°C in February.

II. Constitutional, legal and political issues

4. After full consultation with the Island community, a new Constitution came into effect in March 2010 replacing the Pitcairn Order 1970 and Royal Instructions. It set out for the first time rights and freedoms of the individual, provided for an Attorney General and established the authority of the Island Council, updated the role of the Governor and brought the judicial system into the Constitution. The Governor is appointed by the Queen, acting on the advice of the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, to whom she is accountable. In practice, the High Commissioner of the United Kingdom to New Zealand is appointed concurrently as Governor of Pitcairn, and overall

Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Further details are contained in previous papers posted on the United Nations website www.un.org/Depts/dpi/decolonization/docs.

[1] *The Far East and Australasia* (Europa Publications, 2005).

responsibility for the administration of the Island is accordingly vested in this function. The current Governor of Pitcairn is Vicki Treadell.

5. Under the Constitution, the Governor has legislative authority for Pitcairn and is empowered to formulate laws on any subject after consultation with the Island Council. Laws enacted by the Governor are styled ordinances. Formally, all ordinances are subject to disallowance by the Queen, on the advice of the Secretary of State. The Government of the United Kingdom retains the power to legislate directly for Pitcairn by an Act of Parliament or an Order in Council.

6. The Island community was also fully involved in consultations leading to the setting-up of a new governance structure on the Island in April 2009. This created four senior public sector posts (Division Managers) to boost local administrative capacity and introduced fair and transparent systems for government job selection and performance management. The process of devolving more functions and responsibilities to the Island is ongoing but will be a gradual one given limited human resource and appropriate skills in this tiny population. For the time being, some administrative functions will need to remain with the Pitcairn Islands Office in Auckland, New Zealand.

7. Pitcairn Islanders manage their internal affairs through the Island Council established by the Local Government Ordinance and enshrined in the new Constitution. The Ordinance conferred upon the Council the duty, subject to orders and directions by the Governor, to provide for the enforcement of the laws of Pitcairn and empowered it to make regulations for the good administration of Pitcairn, the maintenance of peace, order and public safety and the social and economic advancement of the Islanders. Under the new government structure, the Island Council consists of seven voting members: the Island Mayor, who is elected every three years; the Deputy Mayor and four Councillors, who are elected every two years, and one nominated member, who is appointed by the Governor. The Governor and her representatives are non-voting ex officio members. During elections in December 2010, Mike Warren was elected as Mayor.

A. Electoral qualifications

8. In order to vote, persons must be at least 18 years old and, if not born on Pitcairn, must have been resident for three years (one year for spouses and two years for de facto partners). To stand for the Council, candidates must fulfil the same residence requirements but must be at least 21 years of age. For the posts of Mayor and Deputy Mayor, the qualifying residence is 10 years and 5 years, respectively, and the minimum age is 25. The Island Secretary prepares the register of voters in October of each year, and elections are held on a day during the first two weeks in December.

B. Judicial system and human rights

9. An Island Magistrate is appointed from among the residents of Pitcairn. Other magistrates, legally qualified in a Commonwealth country, are appointed to preside over the Court in matters outside the powers of the Island Magistrate. The jurisdiction of the Court is limited to offences triable summarily, committal proceedings and certain inquiries, together with civil litigation up to a prescribed

level. There is a right of appeal from the Court to the Supreme Court of Pitcairn, which is a superior Court of record and has jurisdiction in criminal and civil cases outside the competence of the Magistrate's Court. The Supreme Court is constituted by a judge, the Chief Justice or one of several puisne judges, with or without assessors. Further rights of appeal may be made to the Pitcairn Court of Appeal, comprising three judges, and to the Privy Council.

10. According to the administering Power, the Pitcairn Courts have jurisdiction in relation to human rights arising out of the laws in force in the Islands. The judiciary and the Governor have a corresponding jurisdiction to uphold and enforce human rights in the Islands.

11. Any violation of the civil or political rights of any person is justiciable by means of injunction and damages that may be awarded by the Supreme Court. That court has inherent power and jurisdiction to award compensatory damages and, in certain cases, punitive damages, as well as to give binding directions to secure the rehabilitation of such persons. In the circumstances of Pitcairn, the Governor, as holder of the highest executive office, and the Chief Justice, as head of the judiciary, are responsible within their respective spheres of authority for overseeing the implementation of human rights on Pitcairn.

12. The administering Power has further noted that the laws in force in the Territory, including those relating to human rights, are published by the Government of the United Kingdom and the Government of the Pitcairn Islands and are readily available to all on the Island through the Island Secretary's office. The Territory's reports to international bodies are prepared by the Government of the United Kingdom, drawing on information provided by the Governor and the Island administration.

13. With regard to the issue of self-government, in 2008, Ministers from the Foreign and Commonwealth Office and the Department for International Development of the United Kingdom held discussions on the future policy for Pitcairn and an internal joint development strategy paper was produced. According to the administering Power, both Departments are working closely to enable Pitcairn to reach self-sustainability. The Department for International Development and the territorial Government have worked jointly on various aspects of the governance and economic development of Pitcairn.

14. With regard to the European Convention on Human Rights, in a report issued in June 2008, the House of Commons Foreign Affairs Committee on the Overseas Territories quotes information provided by the Foreign and Commonwealth Office, through the Pitcairn Commissioner, stating that the European Convention on Human Rights had been extended to "all populated Territories except Pitcairn". But the new Constitution for Pitcairn, referred to in paragraph 5 above, includes the rights and freedoms of the individual taken from the European Convention on Human Rights and other relevant rights taken from the International Covenant on Civil and Political Rights. A human rights capacity-building project, funded by the United Kingdom Government for its Overseas Territories, included a visit to Pitcairn in September 2009 by human rights trainers from the Commonwealth Foundation. The project continues to offer guidance to the community on human rights issues.

15. In its June 2008 report, the House of Commons Foreign Affairs Committee on the United Kingdom's overseas territories urged the Government to ensure full consultation with the Pitcairn community on proposals for the Island's economic

development. In its response the Government acknowledged that partnership between the United Kingdom Government and the Island was essential to ensure sustainable development on Pitcairn.

III. Budget

16. According to the administering Power, in 2009-2010, expenditure for Pitcairn, supported by the United Kingdom Department for International Development, was roughly NZ$ 4.6 million, and income for the year was NZ$ 91,000. Budgetary aid amounting to NZ$ 4.5 million was provided in 2009-2010 to help to meet the operating budget deficit. Significant development funds have been allocated for infrastructure projects by the Department for International Development and the European Union. Those funds are expected to be used for a wind power or alternative sustainable energy project to reduce the Island's dependence on diesel (for which procurement is about to begin) and for improvement of access to the Island, including construction of an alternative landing. Other infrastructure projects will include road improvements and upgrades to public buildings. The territorial allocation provided for Pitcairn under the tenth European Development Fund, which runs from 2008-2013, amounts to €2.4 million.

IV. Economic and social conditions

17. The principal source of income for Pitcairn's public economy has traditionally been the sale of stamps. Owing largely to a downturn in the stamp market, however, Pitcairn's financial reserves were exhausted late in 2003, and the Island now receives budgetary assistance from the United Kingdom Department for International Development. A scaled-down stamp trade continues nonetheless, with six or seven new stamp issues released each year. Pitcairn coins (New Zealand mint) are another collectors' item, with a number of new designs expected for release in 2010/11.[2] Revenue is also generated from landing fees for tourist arrivals.

18. Pitcairn's income is also supplemented by the sale of Internet domain names. Internet users worldwide can acquire a ".pn" suffix that is permanently awarded to Pitcairn. The fees for the acquisition of a ".pn" domain are US$ 200 for the first registration, which covers two years, and US$ 100 for the annual renewal. Revenue is also generated from interest and dividends, as well as increasing tourist arrivals.[3]

19. The private economy of Pitcairn is based on subsistence gardening, fishing, the manufacturing and sale of handicrafts, as well as the export (to French Polynesia, New Zealand, Japan and the United States of America) of dried fruit, vegetables, honey and honey products. Bartering, mainly with passing ships, is an important part of the economy. The fertile soil of the valleys produces a wide variety of fruits and vegetables. Fish is the main source of protein in the Islanders' diet.

20. The Territory imports, mostly from New Zealand, include fuel oil, machinery, building materials, cereals, milk, flour and other foodstuffs. The latter are ordered several months in advance and are obtainable through a government store,

[2] See http://onlinepitcairn.com/information/monthlyfeature/dec2008.pdf.

[3] See "Government plan tourism trail to Pitcairn Island", available at www.telegraph.co.uk, 12 September 2009.

established in 1967. The Pitcairn Island Producers' Cooperative, established in 1999, promotes and coordinates the distribution of produce. A number of Pitcairn items are available directly through the Internet. Given the remoteness of Pitcairn, customers must allow up to six months for delivery and, when paying for orders by cheque, customers are advised to leave their cheques undated because of the long time it takes to process them.[4]

21. The uninhabited island of Henderson, designated as a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1988, is the largest of the group and the richest in natural resources of the three satellite islands. Pitcairners visit there occasionally, staying a few days to collect a year's supply of miro wood, which they use to produce carvings, and to undertake layering of young miro branches in an effort to ensure a sustainable crop for years to come. The journey by longboat may take about 14 hours each way, depending on weather conditions. Environmentalists also visit Henderson from time to time as it is known for its endemic species of birds and plants in a near-pristine system. The Government of the United Kingdom has committed over £400,000 to a non-governmental organization project to eradicate rats, which are threatening the bird population. The Islanders also make the voyage to Oeno, known as their "holiday island", once a year for a week of fishing and gathering coconuts and shells. Traditionally, the fish caught on those expeditions is shared equally among the families in the Territory. Oeno is an important breeding site for seabirds.

A. Transport

22. Access to Pitcairn is possible only by sea. A shipping service runs from Mangareva in French Polynesia to the Island eight times a year, with four freight runs directly from New Zealand. Cruise ships also call during the season (December to March). Ships visiting the Island remain at anchor some distance from the shoreline and visitors are ferried to the Island in longboats. According to the information provided by the administering Power, plans are being considered to improve landing facilities, particularly for cruise ship passengers, as tourism development is important for Pitcairn's future prosperity, as well as work to help the community develop more professional tourist services and standards.

23. Pitcairn is crucially dependent upon certain key items of infrastructure, including the jetty, longboats and boat shed, and the road from the jetty up to the main settlement. Further work funded by the Government of the United Kingdom took place in 2009 and 2010 to enlarge and strengthen the Island's jetty and slipway. Funding was also provided to cover the main square, offering a more pleasant environment for community functions and to extend the one sealed road from the landing area to the Adamstown settlement.

B. Communications and power supply

24. In September 2006, Pitcairn received a new communications system funded by the United Kingdom Government. The system provided the Island with telephones in all homes, a stable Internet system, limited television service and videoconferencing facilities.

[4] See United Kingdom Territory Association, UKOTA at http://ukota.org/editorial/UKOTA_Spring_2009.pdf.

25. As mentioned above, consultants have carried out feasibility studies, detailed designs and costings for a breakwater or alternative landing and a new wind-diesel electricity generation system for the provision of a 24-hour electricity supply. Currently, diesel-driven generators provide 240-volt electric power for five hours in the morning and five hours in the evening.

C. Land tenure

26. With regard to land distribution issues, by the late 1970s, owing mainly to emigration, most of Pitcairn was owned by Pitcairn Islanders who no longer lived there. A Land Tenure Reform Ordinance was enacted at the end of 2006 to ensure that every Pitcairn Islander was entitled to an allocation of house, garden, orchard and forestry land "sufficient to meet their needs" for as long as they live on Pitcairn. An annual land tax payable on all land held by non-residents of the Territory, or on land held by residents "in excess of his or her reasonable needs", is aimed at ensuring that sufficient land is available for reallocation through the Land Court, upon application. Only Pitcairn Islanders by birth or naturalization, their children or grandchildren (having reached the age of 18 years) are eligible to apply for an allocation. They must be resident at the time of application and must intend to remain so. More detailed information on land distribution issues is provided in the 2005 working paper (A/AC.109/2005/10).

D. Employment

27. The population of the Territory is self-employed, but allowances are paid to members of the community who participate in local government activities. Under the new governance structure, introduced in April 2009, the majority of the population has at least one part-time government job. Public work, recently renamed civic obligations, required by law of all men and women between 15 and 65 years of age, is partly a relic of the society created by the mutineers and partly a necessity born of the basically tax-free economy. The most essential of the traditional public duties are concerned with Bounty Bay, the maintenance of public boats or unloading supplies. There are no banking facilities, but undated personal cheques and traveller's cheques may be cashed at the Island Secretary's office.

E. Education

28. Education is free and compulsory for all children between 5 and 15 years of age. Pitcairn's only school was completely rebuilt in 2006. Instruction is in English and is based on the New Zealand standard curriculum. The Education Officer, who is also the editor of the *Pitcairn Miscellany*, the Territory's only newspaper, is a qualified teacher recruited from New Zealand, usually for a one-year term. As a point of practicality, post-primary education is conducted at the school by correspondence courses arranged through the New Zealand Department of Education. Overseas secondary education is encouraged by the grant of bursaries, and a number of students have received secondary education in New Zealand at the expense of the Government of Pitcairn. In November 2006, following a meeting of the Overseas Territories Consultative Council, the United Kingdom announced that

beginning in 2007, citizens from the Overseas Territories would benefit from the home student fee rate at English universities.

29. Pitcairn Island has a museum built with a grant from the United Kingdom Government. Artefacts on display include stone tools made by Polynesians prior to the arrival of the mutineers, as well as cannonballs, an anchor and a swivel gun from the *Bounty*. The Seventh Day Adventist Church is the only Church on the Island. A pastor from New Zealand is currently stationed on the Island.

F. Health care

30. The Pitcairn Island Health Centre, completed in 1997, was funded by the United Kingdom Department for International Development. It has an examination room, a dental clinic, an X-ray room and a two-bed ward for overnight patients. A general practitioner is stationed on the Island on a one-year contract, assisted by an assistant nurse and a local dental officer, who also acts as an X-ray technician. The Government has also funded a social welfare programme, which includes a Family and Community Adviser, who is also recruited from New Zealand on a one-year contract. In terms of general health, though the Islanders still keep active tending fruit and vegetable gardens and working the surrounding ocean for food, obesity and diabetes are a problem.

G. Criminal justice

31. Allegations of child sex abuse, which came to light in 1999, led to a widespread police investigation resulting in 13 men being charged with a total of 96 offences. The trials of the seven on-island defendants were held on Pitcairn in 2004: six were convicted on a number of counts. Four men received custodial sentences.

32. The convicted men appealed to the Pitcairn Court of Appeal and from there to the Privy Council in London on a range of issues. These included the sovereignty of the Pitcairn Islands, the promulgation of English law on the Island, delay, and other issues that they claimed were an abuse of process. Their appeals were finally dismissed by the Privy Council in a judgement handed down on 30 October 2006. Other appeals were heard in 2007, and although one count was dismissed for one of the offenders, the sentences were not substantively altered.

33. The trials of two more Pitcairn men (residing in Australia and New Zealand, respectively) took place in the Pitcairn Supreme Court sitting in Auckland in December 2006. Guilty verdicts were handed down on 9 January 2007 and the men were immediately taken to Pitcairn to serve their sentences. By December 2010, most men had passed their sentence expiry dates, except for three who are on parole. Parole is monitored by the Community Police Officer, seconded from the New Zealand Police Force.

34. In October 2008, the Government of the United Kingdom established a mechanism to compensate the victims of past child sex abuse on Pitcairn Island. Only those who had cooperated with the authorities in bringing the assailants to

justice were eligible. The closing date for applications for compensation was 31 March 2009.[5]

V. Relations with international organizations and partners

35. It has been agreed to extend the United Nations Convention against Corruption, the Convention on the Elimination of All Forms of Discrimination against Women and the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) to Pitcairn at the earliest opportunity. As mentioned above, the uninhabited island of Henderson was designated as a World Heritage Site by UNESCO in 1988.

36. Pitcairn is a member of the Secretariat of the Pacific Community, which is the oldest and largest organization in the 10-member Council of Regional Organizations in the Pacific, a consultative process that is headed at the political level by the Pacific Islands Forum Secretariat. The Secretariat of the Pacific Community provides technical assistance, policy advice, training and research services to 22 Pacific Island countries and territories in areas such as health, human development, agriculture, forestry and fisheries. All of these areas are critical to the people of the Pacific, who continue to face challenges from their remote locations and scarce resources, as well as new challenges from decreasing food security and the effects of climate change.[6]

VI. Future status of the Territory

A. Position of the territorial Government

37. The most recent statement by a representative of the Island Mayor was made during the Pacific regional seminar on advancing the decolonization process in the Pacific region, held in Madang, Papua New Guinea, from 18 to 20 May 2004. The statement is summarized in the report of the Special Committee of 24 for 2004 (A/59/23).

B. Position of the administering Power

38. Information on the general position of the United Kingdom was included in the August 2010 report of the Secretary-General entitled "Second International Decade for the Eradication of Colonialism" (A/65/330, annex I). On 4 October 2010 the United Kingdom made a statement before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-fifth session of the General Assembly.

39. According to the record of the Fourth Committee meeting (A/C.4/65/SR.2), the representative of the United Kingdom inter alia reiterated the established position of the Government that its relationship with its Overseas Territories was a modern one based on partnership, shared values and the right of each Territory to determine

[5] Available from http://www.government.pn/compensation.

[6] See http://spc.int.

whether it wishes to stay linked to the United Kingdom or not. Although the situation in each Territory was different and some Territories were at a more advanced stage of development than others, the United Kingdom would continue to work with all the Territories, as appropriate, in areas such as good governance, political and economic development and transparency, enhanced security and reduced vulnerability to natural and non-natural disasters.

40. The speaker went on to say that the relationship between an Overseas Territory and the United Kingdom was enshrined in the constitution of each Territory. A recent constitutional review process with a number of the Territories had resulted in updated provisions of existing constitutions, such as human rights provisions, and those relating to good governance and the respective roles of the Governor and locally elected politicians.

41. Further, good governance had been the central theme in all constitutional talks with the Territories. The Government of the United Kingdom had no wish to micromanage its relationship with its Overseas Territories and was committed to allowing each Territory to run its own affairs to the greatest degree possible. But that brought with it responsibilities on the part of each Territory. Where the United Kingdom felt that a Territory was failing to fulfil the international obligations which extended to it or developments in a Territory gave rise to other concerns, the British Government would not hesitate to raise it with the Territory's Government and to intervene where necessary.

C. Action by the General Assembly

42. On 10 December 2010, the General Assembly adopted without a vote resolutions 65/115 A and B, based on the report of the Special Committee transmitted to the General Assembly (A/65/23) and its subsequent consideration by the Fourth Committee. Section VIII of resolution 65/115 B concerns Pitcairn. Under the operative part of the resolution, the General Assembly:

> 1. *Welcomes* the entry into force of the Pitcairn Constitution Order 2010 in the Territory in March 2010, featuring a new constitutional framework and human rights provisions, and all efforts by the administering Power and the territorial Government that would further devolve operational responsibilities to the Territory, with a view to gradually expanding self-government, including through training of local personnel;
>
> 2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;
>
> 3. *Also requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory and to continue its discussions with the territorial Government on how best to support economic security in Pitcairn.

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General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Bermuda

Working paper prepared by the Secretariat

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I. General

1. Bermuda is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The basis of the current relationship between the Government of the United Kingdom and its Non-Self-Governing Territories is enshrined in the constitution of each Territory.[1] The British Overseas Territories Act 2002 grants the right of British citizenship to "British Overseas Territory citizens".

2. The Territory is located in the western part of the Atlantic Ocean, about 917 kilometres east of the nearest continental shore, the North Carolina coast of the United States of America. The Territory, covering 57 square kilometres, consists of 8 major and 130 smaller islands. Hamilton, the capital, and St. George's, the former capital, are the two main towns. The historic town of St. George and related fortifications are a UNESCO World Heritage Site.

3. Bermuda, named after the Spanish navigator Juan de Bermudez, remained uninhabited until 1609, when it was settled by a group of shipwrecked English colonists. In 1610 the first slaves were brought to work on the farms and to dive for pearls. The islands were administered under charter of the Virginia Company and successor companies until the arrangement was dissolved in 1684 and government was fully assumed by the Crown. In 1620, the first Parliament session was held after the Crown granted the colony limited self-government. In 1968, Bermuda was granted internal self-government and a new Constitution.

4. According to 2010 estimates by the territorial Government, the population of Bermuda is approximately 68,000, up from 62,059 recorded during the 2000 census. Approximately 55 per cent of the population is black and 34 per cent white, with an estimated 15 per cent non-Bermudian.

5. The official currency of Bermuda is the Bermuda dollar, which has been pegged to the United States dollar on a one-to-one basis since 1970. Bermuda's main trading partners include the United States, the Republic of Korea, Spain, India and Brazil.

II. Constitutional, legal and political issues

6. The 1968 Constitution of Bermuda was amended on five occasions, the last one being in 2003. According to the administering Power, the Constitution gives the territorial Government almost full internal self-government, leaving the United Kingdom with a minimum number of constitutional controls. Under the Constitution, the Governor (and Commander-in-Chief) is appointed by the United Kingdom, after consultations with the Territory's Premier. The Governor is responsible for defence, external affairs, internal security and the police. The current Governor of Bermuda, Sir Richard Gozney, took office in December 2007.

Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Further details are contained in previous working papers posted on the United Nations website www.un.org/Depts/dpi/decolonization/docs.

[1] Information transmitted by the administering Power, 14 January 2011.

7. The Territory has a parliamentary system of government, comprising a Governor, a Deputy Governor, a Cabinet and a bicameral legislature, with a House of Assembly of 36 members directly elected for a five-year term and a Senate of 11 appointed members. Five members of the Senate are appointed by the Governor on the advice of the Premier, three on the advice of the leader of the opposition and three by the Governor at his discretion. The Governor appoints as Premier the member of the 36-seat House of Assembly who appears to him or her to be best able to command the confidence of a majority of the members of that House. The Premier heads a Cabinet that may not comprise more than 14 members of the legislature.

8. Bermuda's law and legal system are based on English common law and principles of equity, English statute law (in force since 1612) and acts of the Bermuda Parliament passed since then. The judiciary is a separate body from the Government; its members are appointed on the advice of the Chief Justice. There are three courts presiding in Bermuda, namely the Magistrates' Court, the Supreme Court and the Court of Appeal.

9. Over the years, three official political parties have evolved in the Territory. The Progressive Labour Party, which traditionally viewed independence as a key goal, was formed by the black majority in 1963. The United Bermuda Party was formed in 1964, largely by the white population. According to the administering Power, the Bermuda Democratic Alliance was formed in November 2009 by disenchanted members of the United Bermuda Party. In early 2011, merger discussions between the Bermuda Democratic Alliance and the United Bermuda Party were under way.

10. General elections must be held every five years. In the 1998 general election, the Progressive Labour Party took power for the first time in 30 years and has been in power ever since. The current Premier, Paula Cox, took office on 29 October 2010, following her election as the leader of the governing Progressive Labour Party, after the outgoing Premier, Ewart Brown, stood down on completion of his four-year term as party leader.

11. Voters in the general and other elections or referendums must be 18 years of age, Bermudian by birth or status, or non-Bermudian long-term residents, citizens of the British Commonwealth. According to the administering Power, in 2010 the number of voters stood at 41,394.

12. In 1995, a referendum was held on the question of independence. Of the 58.8 per cent of eligible voters who participated, a small number by Bermudian standards, 73.6 per cent voted against independence. The then-opposition party, the Progressive Labour Party, had organized a boycott of the referendum among supporters of independence, arguing that the issue should be resolved by general election.

13. While traditionally an important issue in Bermuda, the question of independence has not been predominant in the recent political scene as it was before. A January 2011 unofficial opinion poll indicated that 73 per cent of people did not want to sever ties with the United Kingdom (up from 63 per cent in a similar 2007 poll). Reportedly, 14 per cent were in favour of independence (down from 25 per cent). Demographically, a greater number of white respondents opposed independence (86 per cent versus 64 per cent).

21. The estimated gross domestic product (GDP) of the Territory for 2009 was $6 billion. The economy of the Territory contracted at a rate of 5.8 per cent. The toll of the global recession impacted the growth performance of the typically strong sectors in the Bermuda local economy. Financial services, tourism and construction all suffered large declines in domestic output. Economic activity remained sluggish in 2010 as a downturn in employment acted as a drag on domestic demand.

22. As part of the efforts of the territorial Government to support a shrinking economy, a Ministry of Economy, Trade and Industry was formed in 2010 to address the needs of local business and career aspirations of Bermudians. The new Ministry houses those Departments that focus on tourism and international business to help ensure that the Territory sustains and strengthens its competitiveness in both areas. Further, according to the 2010 Governor's Throne Speech, the territorial Government was encouraged by the positive impact of an economic empowerment zone in Northeast Hamilton and intends to develop transition zones along the perimeters of the existing boundaries of the economic empowerment zone, as well as in St. George's and Sandys. In early 2011, the territorial Government set aside $250,000 for initiatives by the Bermuda Small Business Development Corporation giving construction opportunities to small companies in an effort to mitigate the effects of the recession.

B. Financial services

23. Bermuda is one of the world's leading offshore financial and business centres. It is also among the major jurisdictions worldwide in large-scale insurance and reinsurance, reportedly transacting written premiums of about $104 billion in 2009. The Bermuda Monetary Authority is the integrated regulator of the financial service sector in Bermuda, which has the power to levy civil fines.

24. According to the administering Power, as of 31 December 2009, there were 15,306 international companies registered in Bermuda. The number of companies registered in the Territory had been increasing at a compound annual growth rate of approximately 2 per cent from 2002 to 2009. In the first quarter of 2010, there were 192 international business registrations.

25. According to the 2010 Governor's Throne Speech, recent legislative efforts in fields such as tax legislation had made an important contribution to the continued success of the financial services sector.

C. Tourism

26. The global economic and financial crisis had a negative impact on the tourism industry in Bermuda in 2008 and 2009. However, fuelled by a productive cruise season, total visitor arrivals to Bermuda in 2009 (599,042) increased by nearly 1 per cent, while air visitor arrivals decreased by approximately 11 per cent (to 235,860). A further decrease was registered in the first quarter of 2010. The deterioration of tourism demand worldwide compounded by bad weather conditions affected air travel to Bermuda. Forty-five flights were cancelled during the first quarter of 2010. According to media reports, overall visitor spending fell in 2010 by 23 per cent to $266 million.

27. At the same time, however, the opening of the new Heritage Wharf cruise pier enabled Bermuda to accommodate larger ships with more passengers. The increase in capacity led to an 11 per cent boost in cruise visitation in 2009 with a total of 318,528 cruise visitors. Projections indicate that cruise arrivals should continue to increase. Many one-day stays have been replaced by two- and three-day stays. Also, yacht arrivals for the first quarter of 2010 were up by almost 81 per cent, with a total of 228 crew visiting Bermuda compared to 126 in the first quarter of 2009.

D. Construction

28. Bermuda's construction industry declined in 2009 by an estimated 36.6 per cent compared to the previous year. The planned capital expenditure programme of the territorial Government for the 2010/11 budget year is $144 million, with most of the funding related to construction projects. Some $4 million was earmarked for housing initiatives, and $33.9 million provided for a new police station and magistrates court, and offices to house some government departments. In addition, $33 million dollars was allocated to the capital maintenance and expansion of the Tynes Bay waste treatment facility.

29. The Ministry of Labour, Home Affairs and Housing was renamed the Ministry of National Security in 2010 and was provided with $137 million for 2010, part of which would go towards stimulating construction. One such development, at Perimeter Lane, was completed in July and another, consisting of 98 units, in September 2010. The next significant project to be unveiled in 2011 would be an 84-unit lottery winners' homes followed by a development with 125 affordable housing units on ocean front property.

E. Transport and communications

30. Bermuda has very high-standard transport and telecommunications sectors. With a network of about 225 kilometres of paved public roads and 400 kilometres of private roads, Bermuda has one of the highest road traffic densities in the world, with approximately 100 vehicles per kilometre. Restrictions on car ownership to one per household, coupled with a policy of allowing no rental cars, have resulted in the development of a well-utilized group transportation system. Free public transportation for students via bus and ferry continues to be available.

31. Numerous regular commercial flights connect Bermuda to a number of destinations in the United States and Canada. A marked increase in general aviation traffic over the years is meeting the demand of the international business sector.

32. Bermuda has its own air and ship regulatory agencies. Both the Department of Civil Aviation and the Department of Maritime Administration maintain registries, which are considered to be as stringent as those of comparable agencies in the United Kingdom and the United States. With regard to the automation of aircraft information and records, in 2011 the Bermuda Department of Civil Aviation is expected to implement a system in its regulatory oversight infrastructure. According to the territorial Government, it will include the installation of a new multi-million-dollar radar system to provide radar coverage not only to flights bound for Bermuda, but for the tens of thousands of flights over the airspace of the Territory.

14 per cent mixed. A disparity between earning power is apparent as whites earn 131 per cent of the median wage, blacks 93 per cent and mixed and other races 88 per cent.

38. The official unemployment rate for 2009 is 4.5 per cent, 6 per cent for men and 3 per cent for women. Based on information provided by the administering Power, unemployment was 6 per cent for blacks and 3 per cent for whites; whereas youth unemployment reached 50 per cent. As reflected in the Territory's 2009 Labour Force Survey Executive Report, international business, business services and hotel sectors were impacted most heavily by declining job levels. The education, health and social work sector, which comprises a substantial number of government workers, registered an increase of positions.

39. According to the 2010 budget statement, the Ministry of Labour, Home Affairs and Housing was taking steps to provide retraining and cross-training opportunities for youth and persons seeking to reposition themselves in the job market. In addition, the Department of Labour and Training, with a budget of $8.6 million, would continue its Summer Employment Programme and accelerate its National Certification and Apprenticeship Programmes.

C. Education and culture

40. The Ministry of Education was provided a budget of $143 million in 2010-2011 to achieve the objectives of a strategic plan for the Bermuda public school system, namely, to provide world-class education that met global standards and ensure that students reach their full potential. The territorial Government took steps towards the better measurement of student performance and achievement by internationally recog ized standards in mathematics, science and English, and to improve instructional leadership and teacher quality. In addition, amendments would be made to the Education Act to strengthen the Board of Education and to ensure that accountability in the area of education addresses all relevant constituencies.

41. The literacy rate in the Territory is approximately 98 per cent of males and 99 per cent of females over 14 years of age. Education in Bermuda is compulsory for all children from 5 to 16 years of age and is free in government schools. According to the administering Power, approximately 58 per cent of Bermudian students of compulsory school age attend public schools. The public school system includes 2 senior secondary schools, 5 middle schools, 18 primary schools, 10 preschools, 1 special school and 1 alternative programme. Six private schools offer early primary education, as well as a number of other private schools for all ages. Those institutions receive no government funding. Approximately three quarters of white students attend private schools, and most black students attend public schools. Whereas through most of the 2000s only about half of the students attending public schools graduated from high school, in 2010, 82.5 per cent did so.

42. Graduates of senior school pursue further studies at Bermuda College, the Territory's main facility for tertiary education, or at institutions abroad, mainly in the United States, Canada and the United Kingdom. In 2010, following the downturn in the economy, the Division of Professional and Career Education has seen an increase in enrolment of 3 per cent and the College was accredited through the New England Association of Schools and Colleges. As previously reported, since the late 2000s, local students have not had to pay tuition fees, and benefit from

the home-student fee rate at British universities. In 2010, Bermuda became an associate contributing member of the University of the West Indies. It is expected that Bermudian students will be able to enjoy reductions on the full cost of tuition there.

43. The territorial Government has been developing a National Cultural Heritage Policy as a major step towards the promotion, preservation and celebration of the Territory's culture, cultural icons and culture bearers.

D. Health

44. Bermuda has an ageing population and a low fertility rate. Life expectancy at birth is approximately 80 years for women and 75 years for men. Life expectancy among blacks is nearly four years less than for whites. Chronic diseases continue to account for a disproportionate number of health challenges and they would be a major focus of interest by the Ministry of Health in 2011. Road traffic fatalities are a significant public health threat, accounting for 69 per cent of deaths in 16- to 24-year-old and 19 per cent of deaths in 25- to 44-year-old men. In 2010/11, the Ministry of Health was provided with a budget of $181 million.

45. Hospitalization insurance is mandatory for all employed and self-employed persons in Bermuda. In 2009 the Government introduced Future Care, a comprehensive and affordable insurance plan for seniors. Under the 2010 budget, the Bermuda Hospitals Board received a $10 million capital grant to assist with the development of the acute care hospital. The Bermuda Hospital Board's programmes and services include basic health care, community activities and various specialized programmes for life-threatening injuries and illnesses. King Edward VII Memorial Hospital and the Mid-Atlantic Wellness Institute, the Territory's mental health hospital, offer comprehensive diagnostic, treatment and rehabilitative services.

46. The Future Care insurance plan is being phased in over three years. About 2,700 seniors enrolled during 2010 and in 2011, all individuals aged 65 years and over will be eligible.

E. Human rights and related issues

47. The following major international human rights instruments apply in Bermuda: the European Convention on Human Rights; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the International Convention on the Elimination of All Forms of Racial Discrimination.

48. According to the administering Power, until 2010, the Commission for Unity and Racial Equality was the statutory body directly responsible for stamping out racism in Bermuda. Although the Commission's legislation and the local human rights legislation dealt with similar discriminatory issues, the Commission's legislation did not provide any means for investigating or redressing issues relating to racism. The Commission for Unity and Racial Equality was dissolved in July

2010 and the 1981 Human Rights Act was amended to transfer all of its functions and obligations to the Human Rights Commission established under the Act.

49. Further, in 2010 the territorial Government reviewed its position in relation to compliance with the Convention on the Elimination of All Forms of Discrimination against Women with a view to signing on to the Convention in 2011, and researched options for the addition of sexual orientation to the 1981 Human Rights Act as soon as practicable.

50. In 2010, the passing of the Public Access to Information Legislation allows access to government-held information. According to the administering Power, under the Public Access to Information Legislation, not all information is made public. This includes information related to security and defence, commercially sensitive information, matters related to law enforcement and public safety, matters related to the financial and economic interests and personal data. The Public Access to Information Legislation would not be fully implemented until 2012 owing to the need to ensure, inter alia, that the records management systems within the Government can be properly organized for the retrieval of information. At the same time, an independent Media Council was created in the Territory in 2010.

F. Crime and public safety

51. The Bermuda Police Service is comprised of 467 officers and 70 active Reserves. In 2010, the Service formed a "gang task force", working with the United States Consulate to strengthen intelligence gathering and leading to the apprehension of those responsible for gun crime. Under the 2010/11 budget, $65.7 million was allocated to the Police Service to address gang-related crime.

52. Media reports indicated that during 2009/10 seven people were shot dead and an additional 25 people were injured in gun-related attacks. The territorial Government stepped up its activities in 2010, including the passing of the Firearms Amendment Act and the Bail Amendment Act to deal with a number of gun-related crimes. Further, it formed a Ministry of National Security, responsible, inter alia, for public safety and for strengthening the professional standards of the Bermuda Police Service, the Bermuda Regiment, and the Bermuda Fire and Rescue Service. A High-Risk Adolescent Intervention Team was created through a realignment of duties within the Department of Child and Family Services. Steps were taken to tackle the problem of reoffending criminals.

53. A Financial Intelligence Agency, which became fully operational in 2010, is responsible for the receipt, collection, analysis and dissemination of suspicious-activity reports, under the Territory's relevant legislation, such as the Anti-Terrorism (Financial and Other Measures) Amendment Act 2009 and the Proceeds of Crime Regulations (Supervision and Enforcement) Amendment Act 2010. This function was previously performed by the Financial Investigation Unit within the Bermuda Police Service. The police continue to have responsibility for the investigation of money-laundering and terrorist financing.

VI. Environment

54. The former Ministry of the Environment, Sport and Recreation was renamed the Ministry of the Environment, Planning and Infrastructure, and in 2010/11 was provided with a budget of $39 million. Its functions are to protect Bermuda's environment through monitoring, regulation and enforcement, as well as to promote the sustainable use of the island's natural resources. According to the 2010 Throne Speech, the territorial Government would lead the development of sustainable coral reef management and preservation.

55. Bermuda depends on rainwater as its source of drinking water. The territorial Government's 2009 water conservation campaign complemented the opening of the new Tynes Bay seawater desalination plant, which by 2010 had significantly reduced Bermuda's dependency on rainwater. In 2011, the Government is expected to develop a water supply and servicing master plan to evaluate Bermuda's water infrastructure and consider whether a regulatory authority is needed.

56. Approximately 98 per cent of electric power is provided by a single private entity, which relies exclusively on fossil fuels to generate electricity. The remaining 2 per cent of Bermuda's electric power is provided by the Tynes Bay waste-to-energy plant, owned and operated by the territorial Government's Ministry of Public Works. During 2010, the Department of Energy engaged in numerous public consultations with industry stakeholders and civil society to prepare a white paper on energy, a public policy document outlining Bermuda's plan to move away from complete dependency on fossil fuels.

57. In this regard, the territorial Government intends to mount an energy conservation campaign targeting young people with a view to creating a lifelong sense of personal responsibility in the conservation of energy. Incentives promoting investment in an alternative, green energy source by homeowners and businesses will continue to be promoted.

VII. Military issues

58. Bermuda maintains a defence regiment of some 600 soldiers, the Bermuda Regiment. While most are part-time, this figure includes some 140 "long-stay nucleus" and 30 full-time soldiers. The Territory's adult male population is subject to conscription by ballot, involving just over three years of part-time liability for weekly drills, as well as a 15-day annual camp. All soldiers are paid for their military service.

VIII. Relations with international organizations and partners

59. Bermuda is an associate member of the Caribbean Community (CARICOM) and a member of the Caribbean Financial Action Task Force set up to combat money-laundering. The Territory also participates in the Caribbean Conservation Corporation, the International Confederation of Free Trade Unions, the International Criminal Police Organization (INTERPOL) and the International Olympic Committee (IOC).

60. Bermuda is a member of the United Kingdom Overseas Territories. Upon the request of Bermuda, the Territory is not subject to the Overseas Association Decision implementing Part IV of the Treaty establishing the European Community. The arrangements for association with the European Union have never been applied to Bermuda, in accordance with the wishes of the territorial Government. Bermuda is, however, entitled to participate in the partnership meetings involving British Overseas Countries and Territories.

IX. Future status of the Territory

A. Position of the territorial Government

61. Information regarding developments on the future status of Bermuda is reflected in section II above.

B. Position of the administering Power

62. Information on the general position of the United Kingdom was included in the August 2010 report of the Secretary-General entitled "Second International Decade for the Eradication of Colonialism" (A/65/330, annex). On 4 October 2010, the United Kingdom made a statement at the 2nd meeting of the Special Political and Decolonization Committee (Fourth Committee) during the sixty-fifth session of the General Assembly.

63. According to the record of the Fourth Committee meeting (A/C.4/65/SR.2), the representative of the United Kingdom inter alia reiterated the British Government's established position that its relationship with its Overseas Territories was a modern one based on partnership, shared values and the right of each Territory to determine whether it wishes to stay linked to the United Kingdom or not. Although the situation in each Territory was different and some Territories were at a more advanced stage of development than others, the United Kingdom would continue to work with all the Territories, as appropriate, in areas such as good governance, political and economic development and transparency, enhanced security and reduced vulnerability to natural and non-natural disasters.

64. The speaker went on to say that the relationship between an Overseas Territory and the United Kingdom was enshrined in the constitution of each Territory. A recent constitutional review process with a number of the Territories had resulted in updated provisions of existing constitutions, such as on human rights, good governance and the respective roles of the Governor and locally elected politicians.

65. Further, good governance had been the central theme in all constitutional talks with the Territories. The British Government had no wish to micromanage its relationship with its Overseas Territories and was committed to allowing each Territory to run its own affairs to the greatest degree possible. But that brought with it responsibilities on the part of each Territory. Where the United Kingdom felt that a Territory was failing to fulfil the international obligations which extended to it or developments in a Territory gave rise to other concerns, the British Government would not hesitate to raise it with the Government of the Territory and to intervene where necessary.

C. Action taken by the General Assembly

66. On 10 December 2010, the General Assembly adopted without a vote resolutions 65/115 A and B, based on the report of the Special Committee transmitted to the General Assembly (A/65/23) and its subsequent consideration by the Fourth Committee. Section II of resolution 65/115 B concerns Bermuda. Under the operative part, the General Assembly:

1. *Stresses* the importance of the 2005 report of the Bermuda Independence Commission, which provides a thorough examination of the facts surrounding independence, and continues to regret that the plans for public meetings and the presentation of a Green Paper to the House of Assembly followed by a White Paper outlining the policy proposals for an independent Bermuda have so far not materialized;

2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public educational outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested.

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

British Virgin Islands

Working paper prepared by the Secretariat

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I. General

1. The British Virgin Islands is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The basis of the relationship between the Government of the United Kingdom and its Non-Self-Governing Territories is enshrined in the constitution of each Territory. The British Overseas Territories Act 2002 grants the right of British citizenship to "British Overseas Territory citizens".

2. The Territory is located approximately 100 kilometres east of Puerto Rico and 25 kilometres from the United States Virgin Islands. Over an area of 153 square kilometres, it comprises a group of some 50 islands, islets and cays that form an archipelago with the United States Virgin Islands that reaches over some 3,445 square kilometres of sea. Twenty of the Territory's islands are inhabited. The capital city, Road Town, is located on the largest island, Tortola. The other major islands are Virgin Gorda, Anegada and Jost Van Dyke.

3. For 2010, the population of the Territory was estimated at approximately 25,000, of which some 19 per cent were citizens, or "belongers". The great majority of "non-belongers" hailed from countries in the region, North America and Europe.[1]

4. Since 1959, the legal tender of the British Virgin Islands has been the United States dollar. The principal trading partners of the British Virgin Islands are the United States of America, the Caribbean Community (CARICOM) and the United Kingdom.

5. The earliest known inhabitants of the Territory were the Arawaks and the Caribs, indigenous people of the region. The Dutch established the first permanent European settlement in 1648. In 1666, British planters took control of the islands and the Territory attained the status of a British colony. The planters were granted civil government, constitutional courts, an elected House of Assembly and a partly nominated Legislative Council, which first met in 1772. In 1872, the islands became part of the Federation of the Leeward Islands. In the 1930s and 1940s, British Virgin islanders demanded greater self-governance, which led to the Territory becoming a separately administered colony in 1956.

II. Constitutional, political and legal issues

6. Under the Virgin Islands Constitution Order 2007, the administering Power appoints a Governor with responsibilities for defence, internal security, external affairs, public service and the administration of the courts. In the areas of internal security and external affairs, the Constitution provides for the territorial Government to have formal input, allowing for greater sharing of those

Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Further details are contained in previous working papers available from www.un.org/Depts/dpi/decolonization/docs.

[1] Information transmitted by the administering Power on 11 January 2011. Other sources: International Monetary Fund, Financial Sector Stability Assessment of the British Virgin Islands, October 2010; and The Economist Intelligence Unit, British Virgin Islands and Caribbean Report, December 2010.

responsibilities. At the same time, there is an overriding reservation for the British monarch to make laws for the peace, order and good government of the Virgin Islands; specifically there is limited legislative or discretionary power reserved for the Governor. In terms of external relations, the British Virgin Islands is entrusted to negotiate treaties in specific areas such as certain offshore financial matters.

7. The Governor of the British Virgin Islands, William Boyd McCleary, took office on 20 August 2010.

8. The 2007 Constitution led to the introduction of the current cabinet style of Government. The Executive Council was replaced by a Cabinet, the Chief Minister by a Premier and the Legislative Council by a House of Assembly. The Cabinet consists of the Premier (appointed by the Governor from among the elected members of the House of Assembly), four other Ministers (appointed by the Governor on the advice of the Premier) and one ex officio member (the Attorney General). The Governor attends and presides over the Cabinet. The agenda is agreed by the Cabinet Steering Committee, consisting of the Governor, the Premier and the Cabinet Secretary. The House of Assembly consists of a Speaker, the Attorney General (ex officio) and 13 elected members (9 members from one-member electoral districts and 4 members representing the Territory at large). In 2009-2010, work continued on increasing the number of elected members of the House of Assembly by two, through an increase in the number of electoral districts from nine to eleven.

9. There are four political parties in the Territory: the Virgin Islands Party founded in 1971; the United Party founded in 1966; the Concerned Citizens' Movement founded in 1994; and the National Democratic Party founded in 1998. General elections must be held at least once every four years. Candidates are elected based on a simple majority. Persons voting must be 18 years of age or over and have "belonger" status.

10. In the general election held on 20 August 2007, the Virgin Islands Party won 10 of the 13 seats in the House of Assembly and subsequently formed the Government, with Ralph T. O'Neal as Premier. A general election was scheduled for September 2011.

11. The law of the British Virgin Islands comprises common law of England, locally enacted legislation and imperial legislation. Justice is administered by the Saint Lucia-based Eastern Caribbean Supreme Court, which consists of two divisions: the High Court of Justice and the Court of Appeal. According to the administering Power, there are three resident High Court Judges and a visiting Court of Appeal, which comprises the Chief Justice and two judges of appeal and sits twice a year in the Territory. There is also a Magistrates Court, which hears prescribed civil and criminal cases, as well as a Juvenile Court and a Court of Summary Jurisdiction. The United Kingdom Privy Council is the final court of appeal.

12. Speaking at the Caribbean Regional Seminar, convened under the auspices of the Special Committee and held in Frigate Bay, Saint Kitts and Nevis from 12 to 14 May 2009, the representative of the British Virgin Islands stated that, although no one in the Territory wanted the British Virgin Islands to be a colony or territory of any administering Power, there was no support for independence among the

people of the Territory. The predominant view was that independence should be pursued only when the British Virgin Islands could be sustained economically.

13. In 2010, according to media reports, the Premier conveyed to the Governor that there were a number of areas with regard to the Constitution of the Territory that needed to be addressed on an urgent basis, including the meaning of "consultation" between the Governor and the territorial Government, and the selection and appointment of public officers. Overall, it was felt that greater responsibility should be given to the local political leadership.

III. Budget

14. According to the administering Power, the estimated expenditures of the Territory for 2010 were approximately $250 million, with a revenue of about $272 million. The territorial Government continued to be the responsible steward of public sector finance, first by funding capital expenditures from operating surpluses, where feasible, and second by remaining in compliance with the borrowing guidelines agreed with the Government of the United Kingdom. The 2011-2012 budget of the territorial Government projected revenue of $288 million and operational expenditures of approximately $260 million, leaving a surplus of $28 million, to be spent on development, emergencies, disasters, pensions, contingencies and repairs and renewal funds.

15. According to the Territory's 2010 budget speech, total Government debt was expected to be approximately $151 million, to be serviced within the borrowing guidelines agreed with the Government of the United Kingdom. The territorial Government also embarked on various cost-reduction and revenue-enhancement initiatives, including a comprehensive review of tax and fee legislation rates, a workforce-planning exercise and a reduction of the number of public servants to create a less costly and more efficient public sector.

16. In the British Virgin Islands, there is no income, corporation, value added or goods and services tax. Several tax information exchange agreements have been signed by the British Virgin Islands, including with the United Kingdom in 2008. According to the 2010 budget speech, the territorial Government had fully committed to ensuring that the Territory's tax information exchange agreements with the Organization for Economic Cooperation and Development were implemented effectively. During 2010, several related tax information exchange agreements were signed by the British Virgin Islands and other countries, and it was expected that similar agreements would be signed in 2011.

IV. Economic conditions

A. General

17. According to the information provided by the administering Power, the economy of the British Virgin Islands is largely based on offshore financial services, which contributed over half of the gross domestic product (GDP), and tourism. Figures for 2009 indicated that GDP fell by $115.7 million, or 11.7 per cent, to $876.3 million as a result of the global economic slowdown. During that period,

per capita GDP was estimated at $30,341. According to the 2010 budget address, the Territory's economy showed signs of recovery during that period, based on provisional statistics showing that tourist arrivals and company incorporations increased by 4 per cent and 33 per cent respectively, and showing an estimated GDP growth rate of 6 per cent.

B. Financial services

18. The financial services sector accounted for nearly 60 per cent of the GDP of the Territory. According to the 2010 budget speech, the effects of the global financial crisis were experienced in the Territory's financial services industry. Up to the third quarter of 2009, incorporation figures were down by approximately 32 per cent compared with the same period in 2008. Although that was a significant decrease, the overall number of companies registered in the British Virgin Islands remained about 410,000. According to media reports, around 3,000 hedge funds were registered in the British Virgin Islands in 2010 under the Territory's Securities and Investment Business Act, which governs its investment funds and securities industries.

19. The Securities and Investment Business Act 2010 was enacted in May 2010 in an effort to further strengthen the Territory's financial services sector. According to the administering Power, the Act was designed to modernize the Territory's mutual funds and investment business regimes in the light of international standards established for the regulation of securities, including the need to adopt appropriate measures to guard against market abuse and insider trading.

20. In 2010, the International Monetary Fund (IMF) released the Financial Sector Stability Assessment of the British Virgin Islands, which summarized its review of the Territory's regulatory regime financial services sector. In the assessment, the IMF recognized the strength of the regulatory regime in the Territory and made a number of recommendations, such as the full implementation of the existing Securities Investment Business Act and larger fines in financial laws. According to the 2010 Throne Speech, the territorial Government would ensure that everything was done to maintain and improve the standing of the financial services sector, including the early implementation of changes recommended by the IMF report.

C. Tourism

21. Tourism, with a focus on the "high-end" traveller, accounted for approximately 37 per cent of the Territory's GDP and directly employed one in three people in the British Virgin Islands. According to the administering Power, visitor arrivals reached 856,863 in 2009.

22. Reduced demand for leisure travel in the face of the global economic crisis had affected tourist arrival numbers in the British Virgin Islands. Overall arrivals for 2009 were down by approximately 10 per cent compared with 2008. This downward trend was driven by the decline in overnight tourist arrivals (a decline of around 17 per cent). Cruise tourism, on the other hand, was relatively strong during 2009 when compared with overnight tourism, and arrivals in some months were greater than in 2008. Interest in the yachting industry continued to grow; in 2009 the

number of large yachts visiting the Territory from Eastern Europe and the United States exceeded that of 2008.

23. During 2010, the Territory's tourist board embarked on several new initiatives for the tourism industry, including efforts to reach out to non-traditional markets such as China, India, the Russian Federation, the Middle East, and further into Latin America, the Caribbean and Europe. In addition, the board continued to implement its environmentally focused programmes such as Blue Flag Marinas and Boats and Green Globe Certification, promoting sustainable tourism development. It also continued with its efforts towards improving service standards in the Territory with focused customer training programmes and a new initiative to improve basic physical standards for tourist accommodation properties.

D. Agriculture, fisheries and shipping

24. Agriculture and fishing continued to account for less than 1 per cent of the Territory's GDP and most food requirements were met through imports. Around 800 hectares of land were under cultivation and 4,000 hectares in pasture. The main crops were fruit and vegetables, which were produced both for local consumption and for export to the United States Virgin Islands. According to the 2010 budget speech, the territorial Government continued its work to complete a greenhouse project as a measure to reduce vulnerability to external shocks in the food market.

25. The Territory's Fisheries Act of 1997 and Fisheries Regulations of 2003 govern fishing in the British Virgin Islands. Fishing mainly serves the local market. The two main types of fisheries in the Territory are small-scale commercial and recreational fisheries. In 2010, according to the administering Power, the Territory's fishery waters recorded the presence for the first time of the lionfish *Pterois volitans*, a highly invasive predatory species with venomous dorsal spines. Steps are being taken to control this marine invasion, including education awareness about their capture through organized dives and fishing trips.

E. Communications

26. The British Virgin Islands had over 200 kilometres of surfaced roads. In 2010, the territorial Government continued its efforts to ensure that the road network remained safe for residents and visitors. According to the 2010 budget speech, several miles of road in Anegada were surfaced in 2009-2010, and the Valley/Nail Bay road on Virgin Gorda and roads in Jost Van Dyke were completed.

27. Direct shipping services operate from the United Kingdom, the United States and the Netherlands. A deepwater harbour exists in Road Town. A regular ferry service links Tortola with some of the other islands and with Saint Thomas of the United States Virgin Islands. There are three international airports, served by 15 airlines. The Territory's seaport infrastructure continued to be developed. For instance, in 2010, construction of a new tender dock and renovations to the existing cruise pier were completed at the cruise ship dock. The new structure comprised a dock measuring 336 feet in length and an adjoining pier measuring 100 feet in length, and was built to facilitate tenders from cruise ships anchored at Road Harbour.

28. According to the 2010 Throne Speech, the Territory continued work on amendments to the Telecommunications Act 2006 aimed at strengthening consumer protection, to define the general powers of the Telecommunications Regulatory Commission in relation to dispute status and the enforceability of decisions adopted, and the procedures for appealing decisions. Regulations would also be issued for the establishment of an Internet exchange point in the Territory.

29. As reflected in the 2010 Throne Speech, preparations were under way to establish comprehensive legislation regarding the administration of the Territory's public water supply and sewerage systems to ensure correct usage, prevent abuse and guarantee full service during the life of utility investments. According to the 2010 budget speech, arrangements were made better to ensure water supply and develop greatly improved sewerage systems, including in Road Town and East End/Long Look areas, with a view to phase out the use of septic tanks, especially in the most populated localities.

30. Physical planning in the British Virgin Islands is governed by the Physical Planning Act of 2004, under which all development in the Territory must be approved by the Physical Planning Authority. In 2010, according to the administering Power, the Planning Authority served 40 compliance notices and had one case go before the court. Also during that period, 680 planning applications were processed.

V. Social conditions

A. General

31. Financial assistance for sickness and maternity benefits and pensions are provided through the Social Security Board. The Social Development Department provides grants and other assistance through the Public Assistance Committee, appointed by the Cabinet. Other programmes administered by the Social Development Department include services for the elderly and the disabled, and community development.

32. According to the 2010 Throne Speech, the territorial Government had been working on draft legislation to establish a human rights commission in line with the 2007 Constitution and international standards, including through public consultations on a draft human rights commission act. The purpose of the commission would be to promote greater awareness of human rights in the Territory and to ensure that human rights were upheld and respected. According to media reports, the Attorney General's Chambers provided legal advice to the territorial Government on all aspects of human rights and was responsible for the Territory's international human rights reporting obligations.

B. Labour and immigration

33. According to information transmitted by the administering Power, the labour force of the British Virgin Islands comprised approximately 30 per cent Virgin Islanders and 70 per cent expatriates. The main employers continue to be the territorial Government, financial services, hospitality and construction sectors. The unemployment rate was approximately 3.1 per cent. Unemployment increased

throughout 2010 as establishments made efforts to reduce overhead costs. Layoffs during 2009/2010 had significantly impacted the tourism sector, particularly the hotel and restaurant industry.

34. According to the 2010 budget speech, work permit applications decreased by approximately 7 per cent in 2009. Work permit exemptions are granted by the territorial Government on the basis of enrolment in the school system (entrance at the primary level and completion at the secondary level), marriage to a belonger for a period of not less than three years and residency in the Territory of the British Virgin Islands for 20 years or more by a person who has demonstrated good character. The number of exemptions granted is considered on an annual basis.

35. According to the October 2010 Throne Speech, the passage of the 2010 Customs Management and Duties Act modernized legislation dating back to 1974 and brought the Territory into compliance with international standards. It also enhanced the Government's investigative, law enforcement and border security capabilities, with a view to respecting the relevant entry requirements. The 2010 Labour Code Act gives the Territory a comprehensive labour code in line with International Labour Organization (ILO) standards, provides for the improvement of labour administration, prescribes minimum employment conditions and offers a system for labour administration, dispute settlement and the observance of labour laws generally.

C. Education, culture and sports

36. For 2010/11, the territorial Government allocated 16 per cent of its annual budget to the Ministry of Education and Culture. Primary and secondary education is free and compulsory for children between 5 and 16 years of age, and "A-level" education is also free. There are public and private primary schools in the Territory on Tortola, Anegada, Virgin Gorda and Jost Van Dyke, and private and public high schools. The comprehensive H. Lavity Stoutt Community College at Paraquita Bay offers university-parallel, technical-vocational and adult continuing education programmes. In 2010, a total of 248 students graduated from the Territory's secondary schools. The results of the secondary school leaving examination revealed that, out of 272 students who sat the examination, approximately 8.8 per cent failed.

37. According to the 2010 Throne Speech, the Territory had begun work on a review of the Education Act 2004 and a student code of conduct. Because of the complexity of that area, the territorial Government was committed to ensuring that related legislation was sound and that any legislative changes would result in a modern and relevant education system. Legislative work on special education needs and the reform of technical and vocational education were also under way, as were efforts towards formulating draft legislation for early childhood education and policies governing sports and youth.

38. With regard to cultural initiatives, the territorial Government was taking steps to introduce a "Territory song" to celebrate the people of the British Virgin Islands.

D. Public health

39. The Health Services Authority of the Territory, an autonomous corporate body, was established in 2005 with the passage of the British Virgin Islands Health

Services Act, to manage all public health-care delivery services for the Ministry of Health and Social Development. According to the administering Power, the territorial Government continued to be the major funding source for the Authority. In 2010, the territorial Government indicated that it had discovered $7.4 million of overspending by the Health Services Authority in 2009, and had put in place mechanisms to prevent such problems in the future.

40. The British Virgin Islands had one 44-bed public hospital, Peebles Hospital, and one 8-bed private hospital, the Bougainvillea Clinic. Both were located in Road Town. According to the administering Power, there were 103 physicians and 11 dentists registered to practise in the Territory.

41. A review of the Territory's health legislation began in 2008. According to the 2010 Throne Speech, efforts continued during 2010 with a view to revising the governance arrangements for the health sector and strengthening the Health Services Authority. The 2010 budget statement indicated that the Territory had begun the process of designing a national health insurance scheme with a team from the Health Economics Unit of the University of the West Indies.

42. Revisions to the Domestic Violence (Summary Proceedings) Act, 1995 had been completed to update legislation in line with modern practice and relevant international conventions on domestic violence. A social legislation package on children and domestic violence was under preparation, as were a disability policy and a legislative brief for the benefit of the disabled and on mental health awareness and prevention.

E. Crime and public safety

43. The increased level of violent, organized and petty crime in the Territory in previous decades had become a matter of concern. The problem was being addressed by the territorial Government with support from the Royal Virgin Islands Police Force. As reflected in the 2010 Throne Speech, the Proceeds of Criminal Conduct (Amendment) Act 2010 strengthened the crime-fighting capabilities of the police force and other law enforcement departments and agencies, with additional efforts under way in the areas of victim and witness protection and police response time.

44. Efforts continued to be made to ensure that the conditions at the Territory prison at Balsum Ghut, Tortola, were in accordance with international standards and territorial laws. As reflected in the 2010 Throne Speech, prison reform remained high on the Government's legislative agenda. In consultation with other stakeholders, the Government had embarked upon a campaign to improve further the infrastructure and social well-being of both inmates and officers.

45. The territorial Government continued to focus on strengthening the criminal justice system and was expected to introduce several pieces of legislation, including a Justice Protection Act and amendments to the Police Act and Prison Rules.

VI. Environment

46. The British Virgin Islands has acceded to several multilateral environmental agreements, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Biological Diversity, the Convention on Wetlands of International Importance and the Convention on International Trade in Endangered Species of Wild Fauna and Flora. In 2010, according to media reports, the Territory established marine and coastal protection systems and protected areas to conserve its biodiversity.

47. Numerous attempts had been made over the previous years to amend the Territory's Petroleum Ordinance to bring it in line with international standards. According to the 2010 Throne Speech, an oil spill prevention bill was under preparation. The bill sought to prevent petroleum products and hazardous materials from entering the territorial waters of the British Virgin Islands; to establish a Marine Unit under the Ministry of Communications and Works to control and manage the discharge of oil pollutants or hazardous materials in the territorial waters; to provide for the appointment of an oil spill and response administrator; to provide for licensing to operate vessels and facilities; and to provide for offences, penalties and related matters.

48. According to media reports, the British Virgin Islands Electricity Corporation was expected to install solar energy street lights on Tortola, with a view to reducing dependency on fossil fuel and save energy. The Territory's first annual "BVI Go Green Festival" was held in 2010 to promote eco-friendly efforts in the Caribbean with seminars, fairs, lectures and concerts.

VII. Relations with international organizations and partners

49. The British Virgin Islands has associate membership in the Economic Commission for Latin America and the Caribbean, ILO and the United Nations Educational, Scientific and Cultural Organization.

50. The Territory is an associate member of CARICOM and the Organization of Eastern Caribbean States, and a borrowing member of the Caribbean Development Bank.

51. As a Non-Self-Governing Territory of the United Kingdom, the British Virgin Islands is associated with the European Union but is not a part of it.

VIII. Future status of the Territory

A. Position of the territorial Government

52. The position of the territorial Government regarding the future status of the British Virgin Islands is reflected under section II on constitutional issues.

B. Position of the administering Power

53. Information on the general position of the United Kingdom with regard to its Overseas Territories was included in the August 2010 report of the Secretary-General entitled "Second International Decade for the Eradication of Colonialism" (A/65/330, annex). On 4 October 2010, the United Kingdom made a statement before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-fifth session of the General Assembly.

54. According to the record of the meeting of the Fourth Committee (A/C.4/65/SR.2), the representative of the United Kingdom reiterated the British Government's established position that its relationship with its Overseas Territories was a modern one based on partnership, shared values and the right of each Territory to determine whether it wishes to stay linked to the United Kingdom or not. Although the situation in each Territory was different and some Territories were at a more advanced stage of development than others, the United Kingdom would continue to work with all the Territories, as appropriate, in areas such as good governance, political and economic development and transparency, enhanced security and reduced vulnerability to natural and non-natural disasters.

55. The speaker went on to say that the relationship between an Overseas Territory and the United Kingdom was enshrined in the constitution of each Territory. A recent constitutional review process with a number of the Territories had resulted in updated provisions of existing constitutions, such as human rights provisions, and those relating to good governance and the respective roles of the Governor and locally elected politicians.

56. Further, good governance had been the central theme in all constitutional talks with the Territories. The British Government had no wish to micromanage its relationship with its Overseas Territories and was committed to allowing each Territory to run its own affairs to the greatest degree possible. But that brought with it responsibilities on the part of each Territory. Where the United Kingdom felt that a Territory was failing to fulfil the international obligations which extended to it or where developments in a Territory gave rise to other concerns, the British Government would not hesitate to raise such matters with the Territory's Government and to intervene where necessary.

C. Action by the General Assembly

57. On 10 December 2010, the General Assembly adopted without a vote resolutions 65/115 A and B, based on the report of the Special Committee transmitted to the General Assembly (A/65/23) and its subsequent consideration by the Fourth Committee. Section IV of resolution 65/115 B concerns the British Virgin Islands. Under that section's operative paragraphs, the General Assembly:

> 1. *Recalls* the new Constitution of the British Virgin Islands, which took effect in June 2007, and stresses the importance of continued discussions on constitutional matters;
>
> 2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in that regard, calls

upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

3. *Welcomes* the efforts made by the Territory to stimulate, including through small business development, the two major segments of its economic base, namely financial services and tourism.

United Nations A/AC.109/2011/7

General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Saint Helena

Working paper prepared by the Secretariat

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I. General

1. Saint Helena, Ascension and Tristan da Cunha is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland, and consisting of the islands of Saint Helena, Ascension and the Tristan da Cunha group. The basis of the current relationship between the United Kingdom Government and its Non-Self-Governing Territories is enshrined in the constitution of each Territory. The British Overseas Territories Act 2002 grants the right of British citizenship to "British Overseas Territory citizens".

2. Situated in the South Atlantic Ocean, approximately 1,900 kilometres from Angola and 2,900 kilometres from Brazil, Saint Helena is a small island of volcanic origin. The island, where the Territory's capital, Jamestown, is located, is the largest of the Territory, with an area of 122 square kilometres. Ascension lies 1,200 kilometres to the north-west of Saint Helena, and Tristan da Cunha and the other small islands lie approximately 2,400 kilometres to the south of Saint Helena. The Territory comprises a total land area of 412 square kilometres.

3. The uninhabited island of Saint Helena was discovered in 1502 by the Portuguese navigator Juan da Nova. In 1633, the Netherlands claimed the island but did not occupy it. The British East India Company proceeded in 1658 to colonize and fortify the island, which was subsequently settled. Slaves were brought from Africa, including Madagascar, and the Far East. Chinese and some Indian indentured labourers were brought to work on the island. Napoleon Bonaparte was exiled to Saint Helena from 1815 until his death in 1821. Saint Helena became a British Crown Colony in 1834.

4. The inhabitants of Saint Helena are known as "Saints" or "Saint Helenians".[1] A 2008 census put the de facto population at 4,077, compared to 5,008 in 1998. Following the reintroduction of granting of British citizenship to Saints in 2002, the island experienced an exodus which subsequently slowed down.[1] While it is believed that most people desiring to leave have already done so, emigration could escalate once more if the economic growth predicated on the anticipated access to the island by air does not materialize. Another problem facing Saint Helena is the fact that the majority of Saints returning to settle on the islands are of retirement age, thus exacerbating the already heavily skewed age profile of the population. Approximately 17 per cent of the population resides in Jamestown. The official language of Saint Helena is English.[1]

II. Constitutional, legal and political developments

5. A new Constitution was enacted in the Saint Helena, Ascension and Tristan da Cunha Constitution Order 2009, and entered into force on 1 September of that year. The new Order changes the name of the Territory from "Saint Helena and its Dependencies" to "Saint Helena, Ascension and Tristan da Cunha". Executive

Note: The information contained in the present paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Further details are contained in previous papers posted on the United Nations website www.un.org/Depts/dpi/decolonization/docs.

[1] Information provided by the administering Power, 29 December 2009.

Authority is vested in Her Majesty Queen Elizabeth II, but is exercised on her behalf by the Governor, who is appointed by the United Kingdom Government. However, the ability of the Governor to act inconsistently with the wishes of elected Councillors is curtailed in comparison with the previous constitution. The current Governor is Andrew Gurr.[2]

6. The current Constitution provides protection for fundamental rights and freedoms of the individual, including protection of the right of life, protection from inhumane treatment, protection from slavery and forced labour, protection of the right to personal liberty, protection of prisoners, the right to marry, children's rights, freedom of conscience, right to education, and freedom of expression, assembly and association.

7. The Legislative Council comprises the Speaker, the Deputy Speaker, three ex officio members (the Chief Secretary, the Financial Secretary and the Attorney General) and 12 elected members. The Executive Council, which is presided over by the Governor, consists of the ex officio members and five of the elected members of the Legislative Council. The ex officio members have no vote in either body, whereas previously the Chief Secretary and Financial Secretary were voting members.

8. Elections are held by secret ballot, at intervals of not more than four years, by universal suffrage for those aged 18 years and over. The most recent general elections were held on 4 November 2009, in which 12 nominees (6 for each constituency) were duly elected. The new Legislative Council met formally on 13 November and elected the five elected members of the Executive Council and Chairs for each of the eight Council Committees. The Legislative is due for dissolution on or before 13 November 2013, with the next general election taking place shortly thereafter.

9. The new Constitution contains enhanced provisions for ensuring the independence of the judiciary from the legislative and executive organs of Government. The judicial system comprises a Court of Appeal, a Supreme Court and such subordinate Courts (currently a Magistrates' Court and provisions for Coroner's Enquiries into sudden deaths) as may be established by Ordinance. There remains a final appeal to the Privy Council of the United Kingdom in prescribed circumstances.

10. In May 2009, at the Caribbean Seminar on Decolonization held in Saint Kitts and Nevis, Saint Helenian Councillor, Tony Green, said that the islanders saw themselves as part of the United Kingdom and that the Territory strongly believed that it should not be categorized as a British Overseas Territory. Saint Helena wished to have a new partnership with the administering Power that might be modelled on Saint Pierre et Miquelon, the French Overseas Territory. The new partnership, in his view, would be through constitutional change. He pointed out the need to clarify the relationship between Saint Helena and its then two dependencies, Ascension Island and Tristan da Cunha, and to ensure greater accountability by Saint Helena's elected representatives for local affairs.[3]

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[2] *St. Helena Government, News*, http://www.sainthelena.gov.sh/news.php/38/new-constitution.

[3] See the United Nations decolonization website at www.un.org/Depts/dpi/decolonization.

III. Budget

11. Due to a shrinking tax base, partly owing to migration and an ageing population, Saint Helena is heavily dependent on the United Kingdom and other external sources for funding. Budgetary support from the United Kingdom is used to meet essential public services and to subsidize the dedicated shipping service of the Territory. Much of the capital investment is funded through the Department for International Development (DFID) and the European Union.

12. According to the information provided by the administering Power, total budgetary aid, development assistance and shipping support from the United Kingdom Government was £26.10 million for the 2010/11 fiscal year, compared to £22.8 million during the previous period, representing a 14.7 per cent increase. The current three-year 2011-2013 aid package was approved in 2010, following a visit to Saint Helena by DFID representatives. It was decided during that visit to review the 2012 and 2013 bids in 12 months' time, with a view to adjusting the recurrent bid settlement. During the current year, the British Government has announced its intention to proceed with procurement of the Saint Helena airport project, subject to four strict preconditions being met (see para. 24).

13. A new sustainable development plan is being developed and will be published in early 2012. In the meantime an interim plan is being developed based on strategic plans and policy priorities and will be linked to a policy framework.

IV. Economic conditions

A. General

14. The economy of Saint Helena depends largely on financial assistance from the United Kingdom, which makes up about 70 per cent of annual budgetary revenues. The local population earns income from fishing, raising livestock and selling handicrafts.

15. According to the administering Power, the first phase of a public sector modernization programme, which is being funded by DFID, has been completed, and the inception report endorsed, in principle, by the Saint Helena Executive Council. That enabled the drafting of a project memorandum for submission to DFID to secure funding for the second phase of the programme, which began in the first quarter of 2009.

B. Development

16. Saint Helena is also eligible to receive funds from the European Union. The Territory's allocation from the tenth European Development Fund (2008-2013) is €16.63 million. On Saint Helena, the Fund's allocation will allow for the development of a safer landing facility (including breakwater, slipway and a sheltered landing area) and improved sea defences in James Bay. On Ascension island, it will be applied towards road upgrading. On Tristan da Cunha, it will be used for further harbour improvements, investigation of alternative energy potential,

water upgrading, waste management, electricity distribution infrastructure and capacity-building related to the management of the lobster processing plant.

17. Development aid from the Department for International Development is provided within a three-year framework (see A/AC.109/2008/6, para. 24). In addition, the Department has funded a major infrastructure review that has enabled a comprehensive plan to be developed that identifies Saint Helena's infrastructure requirements over the next 10 to 20 years.

18. In March 2008, a disaster-management capability review, fully funded by DFID, was undertaken in Saint Helena by the United Kingdom Government. In February 2009, a European Union-funded disaster management consultant visited Saint Helena to consolidate the work of the island Disaster Management Committee. The consultant made further recommendations in his final report, which are now being carried forward.

C. Fisheries and agriculture

19. Fisheries are an important sector in Saint Helena's economy. There are a total of 29 fishing boats with commercial licences, but only a few of them fish regularly. The local fishermen sell their catch to the Saint Helena Fisheries Corporation. Fish purchases for the first half of the financial year 2010/11 were 136.1 metric tons, compared to 306.1 metric tons during the same period the previous year. The volume of fish exported during the period from April to June 2010 was 57.8 metric tons, compared to 78.9 metric tons over the same period the previous year. There has been no take-up of foreign fishing licences since the financial year 2006/07, although those licences have in the past contributed up to 20 per cent of all local revenue.

20. Saint Helena has developed a reputation for the high quality of its coffee and fish. The island's product is considered one of the finest premium coffees in the world. Owing to problems in the coffee sector, however, very little coffee has been exported recently. Its wild fish were the first to receive organic certification from the Soil Association, the leading campaigning and certification organization of the United Kingdom for organic food and farming.

21. With regard to farming, the 2010-2011 Agricultural Support Programme provided support in the following areas: irrigation, land cultivation, seed potato, production infrastructure, banana and coffee production, pig and poultry production and pasture. The overall aim of the agricultural improvement scheme is to sustain and, where possible, increase agricultural production.

D. Transport and utilities

22. Access to Saint Helena is provided by the RMS Saint Helena, which serves Saint Helena, Ascension, Walvis Bay, Namibia and Cape Town, South Africa. Saint Helena's only port, Jamestown, provides good anchorage, although it lacks safe landing facilities that would allow passengers of large cruise vessels to come ashore in all types of weather. One of the activities proposed by Saint Helena for the tenth European Development Fund relates to safer landing facilities at Jamestown wharf. It is hoped that the construction of a jetty in Rupert's Bay, in connection with air

access development, will enable the separation of cargo and passenger operations in the future, with the former being transferred largely to Rupert's Bay.

23. Saint Helena does not have an airport. The nearest airstrip is located on Ascension. In July 2010, the Secretary of State for International Development announced that the Government of the United Kingdom would be willing to finance an airport on Saint Helena, subject to strict preconditions being met, including the negotiation of acceptable price, the mitigation of cost risks and time overruns, the approval of the airport design using a shorter runway and the undertaking by the Saint Helena Government of reforms necessary to open the island's economy. In this connection, the Saint Helena Government and the Department for International Development were working in 2010 on a memorandum of understanding, setting out actions to realize benefits from the development of air access in Saint Helena. According to the administering Power, an airport should make the island self-sustainable. If an airport were to be constructed, the United Kingdom Government would withdraw its subsidy from the RMS Saint Helena, leaving it to the Saint Helena Government to decide whether to retain the vessel in service.

24. The Territory has approximately 168 kilometres of paved roads (Saint Helena 118 km, Ascension 40 km, Tristan da Cunha 10 km) and 30 kilometres of unpaved roads (Saint Helena 20 km and Tristan da Cunha 10 km).

25. Saint Helena has two local radio stations, as well as satellite TV stations rebroadcast terrestrially. Ascension has one local radio station and receives relays of broadcasts from Saint Helena. Broadcasts from the British Forces Broadcasting Service (BFBS) are available, as well as TV services for the United States military. Tristan da Cunha has one local radio station and receives BFBS TV and radio broadcasts. There are around 1,100 Internet users in Saint Helena and Ascension.

26. Under the DFID-funded Electricity Distribution Project, work has been under way to upgrade and extend the island's electricity distribution system, including through the installation of additional wind turbines. Saint Helena's wastewater systems have also been upgraded under another DFID-funded project.

E. Banking and credit

27. In December 2008, new ordinances on financial services and money-laundering came into force. The bills aim to ensure that Saint Helena complies with international obligations, while safeguarding Saint Helenians from fraudulent financial service providers.

F. Tourism

28. In 2010, DFID approved £1.2 million for the Tourism Development Project on Saint Helena. The Project provides, among other things, for enhanced marketing and promotion, improved destination management, and community-driven projects linked with tourism.

29. The administering Power believes that a new airport is the best way to bring new financial opportunities to the island and promote tourism. At present, about 2,000 visitors per year make the trip to Saint Helena by ship. With an airport, it is estimated that more than 29,000 tourists will visit the island each year. The rugged

natural beauty of the Territory, its rare wildlife and historic sites, such as Napoleon's tomb, are expected to attract visitors.

V. Social conditions

A. General

30. Measured by international standards, Saint Helena is a middle-income country with few signs of real material poverty. This is largely the result of the all-encompassing government safety net, which guarantees everyone a minimum standard of living, and of social networks which encourage the distribution of income among kin, most notably in the form of remittances.

31. The ageing population of the Territory, with 22 per cent of the island over 65 years of age, has created an increasing need for substantial investment in a new elderly care programme. To this end, Her Royal Highness the Princess Royal Community Care Centre, funded by DFID, was opened in 2008. A revised policy for home care support took effect in mid-November 2010. The policy allows older people to remain in their own homes for as long as possible, and provides for the support to assist them with the activities of daily living. In the period under review, there were 90 people aged 65 and over receiving income-related benefits.

32. A new Child Welfare Ordinance was enacted on 18 December 2008 and came into force in March 2010. The new legislation changes the strategic management structure for safeguarding children and young people on Saint Helena. New policies and procedures have been developed for child protection and safeguarding the welfare of children. The new legislation fulfils Saint Helena's obligation under the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.

33. In January 2009, the Executive Council approved a new health and social services strategy for Saint Helena, entitled "Focusing on the future", to guide the development of the Public Health and Social Services Department until 2012. DFID has agreed to inject almost £2 million into the project over its duration, subject to the achievement of certain milestones throughout its implementation.

34. There is one general hospital in Jamestown and five health clinics serving people living in rural areas. In addition, two units cater to clients with challenging behaviour problems and learning disabilities.

B. Employment

35. The public sector remains the dominant employer in the Territory. The Saint Helena Government has been looking at standards of practice in employment in anticipation of the economic changes that are expected to ensue if construction of an airport goes ahead. Legislation was drafted for provisions relating to employment and the rights of employees and to create a framework for the enforcement of such rights. These rights relate to a written statement of particulars; provision for working time regulations; unfair dismissal; entitlement to unpaid parental leave and unpaid leave to care for dependants; and provisions for a minimum wage. The bill was passed by the Legislative Council in 2010.

36. With a view to correcting anomalies and addressing staff retention that would also encourage/facilitate career management, in April 2010, the Saint Helena Government introduced a revised system of fairer pay scales. As a result of successfully meeting the training needs of the unemployed, their number on the Community Work scheme has been reduced from 176 in 2003, to 18 at the end of 2010.

37. Offshore employment has steadily increased and, with it, remittances to the Territory. Approximately one quarter of the island's workforce is employed on Ascension, in the Falkland Islands or in the United Kingdom. Remittances passing through the Government of Saint Helena Finance Department during 2009/10 amounted to £811,145, compared to £845,280 during 2008/09. This amount does not necessarily represent the total remittances for that year, since direct transfers can be made to the Bank of Saint Helena.

38. The majority of contracts for offshore employment are for unaccompanied workers, resulting in a significant social burden and dislocation of families. In addition, the loss of trained staff to better-paid offshore employment makes it necessary to bring in a range of internationally recruited staff in a number of sectors. The Saint Helena strategic review for the past decade showed that remittances from offshore workers were not sustainable and spelled out serious consequences if people were not put at the centre of development, stating that no community could prosper if its biggest export was its people.

C. Education

39. Education is compulsory and free for children between 5 and 16 years of age. There are currently four schools in operation, comprising three all-through primary schools (for pupils aged 3 to 11 years) and one secondary school for students aged 11 to 18 years. Post-compulsory-aged students opt for either United Kingdom-accredited academic or vocational courses.[4] Since September 2009, Distance Learning opportunities have been included in the curriculum of secondary school. The Education Department is also responsible for the training and retraining of the public and private sector, through the provision of an Adult and Vocational Education Service.

40. The Education Department continuously addresses staff attrition issues, falling pupil rolls and enabling the greater use of existing resources in order to continue to improve educational standards. Retaining qualified, experienced staff continues to be a challenge. Since 2007, overseas territories' citizens have qualified for the home student fee rate at English universities.

41. The Education Ordinance 2008 improved the legal framework for providing suitable education to children and also raised the compulsory schooling age from 15 to 16 years.

[4] See www.prunesedu.edu.

D. Environment

42. Saint Helena has an environmental conservation programme aimed at preserving endangered species and the diversity of habitats. The Saint Helena Government actively pursues compliance with its commitments under the Environment Charter but resource constraints have impeded progress in some areas.

43. The Overseas Territories Environment Programme, funded jointly by DFID and the Foreign and Commonwealth Office of the Government of the United Kingdom, approved one project for Saint Helena in 2010, entitled "Illustrated Field Guides to the Flora of Saint Helena". Nine further project bids were submitted for the eighth Overseas Territories Environment Programme bidding round in the financial years 2011/12. On Ascension island, it approved an endemic plant conservation plan. In Tristan da Cunha, efforts will focus on the control of alien mice and plants at the Gough Island World Heritage Site.

44. A further rock fall protection project, costing £3.475 million, funded by DFID, should be completed by the end of February 2011. The project has aimed at mitigating rock falls from the cliffs above Jamestown and protecting the lives and property of its inhabitants.

VI. Relations with international organizations and partners

45. As a Non-Self-Governing Territory of the United Kingdom, Saint Helena, Ascension and Tristan da Cunha are associated with, but not part of, the European Union. In November 2010, the Falkland Islands (Malvinas) and Saint Helena established the South Atlantic Territories Cooperation Forum to work together on common projects in areas such as procurement, health, transportation links, climate change, agriculture, tourism, public works, conservation and public sector workforce development.

VII. Ascension

A. General

46. Ascension was discovered by the Portuguese in 1501 and "found" again on Ascension Day in 1503 by Alphonse d'Albuquerque, who named the uninhabited island. As at 31 March 2010, the population of the island exceeded 800. Ascension covers an area of 90 square kilometres and is of volcanic origin.

47. In 1815, when Napoleon was a prisoner on Saint Helena, a small British naval garrison was stationed on Ascension. The island remained under Admiralty supervision until 1922, when it became a dependency of Saint Helena. From then until 1964, it was managed by the Eastern Telegraph Company (renamed Cable and Wireless in 1934). In 1964, in view of the plans to establish British Broadcasting Corporation (BBC) and Composite Signal Organization stations, an Administrator was appointed.

48. During the Second World War, the United States Government built the Wideawake airstrip on the island. In 1957, a United States Air Force presence was re-established and the airstrip and ancillary facilities enlarged. It is now the south-

east tracking station for the United States Air Force Eastern Range Test Proving Ground. In 1982, it became the intermediate stop for Royal Air Force flights to and from the Falkland Islands. In 2003, British and United States officials signed the Wideawake Agreement, which opened up the airstrip to civilian charter traffic. The Agreement was extended for a five-year period in 2008, additionally providing for non-international scheduled flights.

B. Constitutional and political status

49. The new Constitution for the Territory removed the notion that Ascension is a "dependency" of Saint Helena; but the islands remain part of a single territory — sharing a Governor, Attorney General, and superior courts. The new Constitution enshrines protection of fundamental rights and freedoms and contains enhanced provisions to guarantee the independence of the judiciary from the legislative and executive organs of government.

50. For the first time, the existence of an Island Council is recognized in the Constitution, with detailed provision to be made by local ordinance. A new Council was elected in October 2008. Due to the lack of sufficient candidates, the 2010 general elections for the Council were postponed until after February 2011.

51. In June 2010, the United Nations Commission on the Limits of the Continental Shelf denied a claim for a continental shelf area beyond 200 nautical miles submitted by the United Kingdom to the Commission, in respect of Ascension island, in accordance with the provision set out in article 76 of the United Nations Convention on the Law of the Sea.[3] The Commission concluded that the volcanic pinnacle on which Ascension rests was too slender to generate rights to an extended zone of the submerged continental shelf. The United Kingdom Government is considering its response.

C. Economic and social conditions

52. Following a joint meeting between the Foreign and Commonwealth Office/Ministry of Defence team and the Ascension Island Council regarding the right of abode and property ownership on Ascension, in January 2006, the Government of the United Kingdom announced that there would be no change in its policy and that rights of permanent abode and property ownership would not be granted on Ascension. The issue for the United Kingdom Government was one of contingent liabilities that could fall on British taxpayers.[3] Legislation underpinning a land and business policy was enacted in June 2008. It aimed at providing a clear and transparent means of determining the allocation and use of land, as well as a framework for the operation of businesses on the island.

VIII. Tristan da Cunha

A. General

53. The Tristan da Cunha island group comprises four islands: the main island, Tristan da Cunha; Gough; Inaccessible; and Nightingale. Tristan da Cunha, a round

volcanic island with an area of 98 square kilometres, is the most remote inhabited island in the world. As at 2008, its population was 269. Its closest neighbours are Saint Helena, 2,334 kilometres to the north, and Cape Town, South Africa, 2,778 kilometres to the east. The only settlement on the island is the capital, Edinburgh of the Seven Seas. A team of South African meteorologists is based on Gough. Inaccessible and Nightingale are uninhabited.

54. Tristan da Cunha's entire population was evacuated to the United Kingdom for a period of 18 months when the volcano last erupted in 1961, but returned in 1963. Following a series of earth tremors in the summer of 2004, the British Geological Survey was engaged to monitor seismic activity, and provide regular reports, with a view to evacuation preparedness. The DFID-administered contract with the Survey ended in 2006 and was not renewed. A volcanologist visited Tristan da Cunha in 2009 for three months to make a volcanic hazard assessment and work with the Tristan community on a disaster-preparedness plan. She made a return visit to the island from December 2010 to February 2011.

B. Constitutional and political status

55. Executive authority for Tristan da Cunha is exercised by the Governor of Saint Helena, Ascension and Tristan da Cunha. A resident Administrator is appointed by and reports to the Governor. The Administrator is advised by an Island Council, led by the Chief Islander and comprising eight elected members (including at least one woman) and three appointed members. Elections are held every three years. All registered voters over 18 years of age are eligible to vote. Under the new Constitution, the Governor continues to have legislative authority over Tristan da Cunha, but for the first time, is constitutionally required to consult the Island Council before making any laws.

56. Tristan da Cunha has its own legislation, but Saint Helena law applies to the extent that it is not inconsistent with local law, insofar as it is suitable for local circumstances and subject to such modifications as local circumstances make necessary. As a last resort, the laws of England and Wales apply. There is one full-time police officer and two special constables. The Administrator also serves as the Magistrate.

C. Economic and social conditions

57. Tristan da Cunha's economy is based on traditional subsistence farming and fishing. Rock lobster is sustainably fished and exported to the United States, Japanese and Australian markets. Work is in progress to access the European Union market. Tourism from occasional passing cruise ships, and the sale of commemorative coins and stamps, also brings the island significant income. Government income from these sectors is used to fund health, education and other government services. A few islanders supplement their earnings by providing accommodation and guided tours to the infrequent visitors and from the sale of handicrafts. Traditional small-scale farming is also an essential part of life on the island.

58. In February 2008, the lobster processing plant on Tristan da Cunha was destroyed in a fire. Combined with the collapse of the island's main cargo crane two

months later, the incident had a serious impact on the economy of the island and on employment. A new gantry crane was sourced and installed by early January 2009 and is now fully operational and a new lobster plant was completed in July of the same year.

59. Access to Tristan da Cunha is only possible by sea and is mainly provided by two vessels operated by the South African company Ovenstone, which holds the fishing concession for Tristan da Cunha lobster, and by the SS Aghulas, a South African research vessel which services their weather station on Gough Island. Between them, they visit Tristan da Cunha 10 times a year, operating a passenger and freight service. The journey between Cape Town and Tristan da Cunha takes around seven days.

60. The harbour can only be used when weather and sea conditions are favourable, with cruise ships often unable to land passengers. It is not deep enough for visiting ships, so they must anchor offshore and offload passengers and cargo via small boats and rafts, weather permitting. The harbour is vulnerable to sea storms and sustained new damage in June 2010. DFID recently agreed to fund further repairs to be carried out between January and April 2011. The United Kingdom Government recently funded the construction of a new post office/museum and police station on the island. The post office and museum will host a number of tourism services, which will generate additional income for the island.

61. Following the installation of an improved telephone network early in 2007, Tristan da Cunha now has improved telecommunications with the outside world. The administering Power funds the line rental charge for this service. Telephone services are reliable and available to all households and an Internet café offers islanders limited access to the Internet.

62. According to information provided by the administering Power, over the past decade, Tristan da Cunha has spent substantially more than it has earned, leading to a serious drain on its reserves. Inexperience in financial management, and the proportionally high amount of capital expenditure needed to maintain such a remote and isolated community, were all contributing factors. There continues to be a number of increasing pressures on the Government budget, not least the cost of medical services, including offshore medical treatment for islanders.

63. In order to increase and broaden existing revenue sources, and to further reform the public service, in 2009, the Island Council set out broad strategies to secure the island's financial future. According to the administering Power, even with these reforms, the island will very soon become insolvent, unless further drastic measures are taken.

64. DFID funds the positions of a resident doctor and Head of Public Works, plus annual dental and biennial optician visits. It has also recently agreed to fund a resident Chief Executive Officer, whose priority will be to reform government and improve performance across the public sector.

65. Since the United Kingdom Overseas Development Administration withdrew expatriate British teachers in the early 1990s, the education sector on Tristan da Cunha has been in decline, and the current standard is considered poor. Pupils leave school at the age of 16 and tend to work in Government or the fishing sector. They have no opportunity to proceed to further education unless they go abroad. The current staff are by their own admission poorly trained. There are no trainee teachers

in the pipeline. In September 2009, a DFID-sponsored education adviser began a two-year posting on the island.

66. Tristan da Cunha is successfully implementing a number of conservation projects, with help from its partners, such as the Royal Society for the Protection of Birds which, in 2008, sponsored a conservation adviser for a one-year posting. Overseas Territory Environmental Programme projects include efforts to remove invasive species from uninhabited islands in the Tristan da Cunha group, and also includes studies on the feasibility of eradicating introduced rodents. Tristan da Cunha also has a Biodiversity Action Plan to help it to meet its commitments under the relevant Convention.

IX. Future status of the Territory

A. Position of the territorial Government

67. Information on political and constitutional developments regarding the status of Saint Helena is reflected under section II.

B. Position of the administering Power

68. Information on the general position of the United Kingdom was included in the August 2010 report of the Secretary-General entitled "Second International Decade for the Eradication of Colonialism" (A/65/330, annex I). On 4 October 2010, the United Kingdom made a statement before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-fifth session of the General Assembly.

69. According to the record of the Fourth Committee meeting (A/C.4/65/SR.2), the representative of the United Kingdom, inter alia, reiterated the British Government's established position that its relationship with its Overseas Territories was a modern one based on partnership, shared values and the right of each Territory to determine whether it wished to stay linked to the United Kingdom or not. Although the situation in each Territory was different and some Territories were at a more advanced stage of development than others, the United Kingdom would continue to work with all the Territories, as appropriate, in areas such as good governance, political and economic development and transparency, enhanced security and reduced vulnerability to natural and non-natural disasters.

70. The speaker went on to say that the relationship between an Overseas Territory and the United Kingdom was enshrined in the constitution of each Territory. A recent constitutional review process with a number of the Territories had resulted in updated provisions of existing constitutions, such as human rights provisions, and those relating to good governance and the respective roles of the Governor and locally elected politicians.

71. Furthermore, good governance had been the central theme in all constitutional talks with the Territories. The British Government had no wish to micromanage its relationship with its Overseas Territories and was committed to allowing each Territory to run its own affairs to the greatest degree possible. But that brought with it responsibilities on the part of each Territory. Where the United Kingdom felt that

a Territory was failing to fulfil the international obligations which extended to it or developments in a Territory gave rise to other concerns, the British Government would not hesitate to raise it with the Territory's Government and to intervene where necessary.

X. Action by the General Assembly

72. On 10 December 2010, the General Assembly adopted without a vote resolution 65/115 A and B, based on the report of the Special Committee transmitted to the Assembly (A/65/430) and its subsequent consideration by the Fourth Committee. Section IX of resolution 65/115 B concerns Saint Helena. Under the operative paragraphs of that section, the General Assembly:

> "1. *Stresses* the importance of the entry into force of the Territory's new Constitution in 2009;
>
> 2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in that regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;
>
> 3. *Requests* the administering Power and relevant international organizations to continue to support the efforts of the territorial Government to address the Territory's socio-economic development challenges, including unemployment, and limited transport and communications infrastructure;
>
> 4. *Calls upon* the administering Power to take into account the unique geographical character of Saint Helena while resolving as soon as feasible any outstanding issues related to the airport construction;"